

By Mr. DUNNELL: The petition of Mrs. E. H. Bowman and 10 others, citizens of Heron Lake, Minnesota, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

Also, the petition of Mrs. George Williams and 25 others, citizens of Lanesborough, Minnesota, of similar import—to the same committee.

Also, the petition of Mrs. H. W. Chandler and 70 others, citizens of Jackson County, Minnesota, of similar import—to the same committee.

By Mr. FINLEY: The petition of 25 members of the Richland (Ohio) County bar, against attaching Richland County, Ohio, to the Toledo subdivision of the Northern Ohio judicial district—to the same committee.

Also, the petition of George R. Hosler and 32 others, for a post-route from Galion to Fredrickton, Ohio—to the Committee on the Post-Office and Post-Roads.

By Mr. FORT: The petition of J. H. Moor, for safety appliances to be attached to steam-engines—to the Committee on Commerce.

By Mr. GARFIELD: The petition of M. M. Boothman and other soldiers, of Bryan, Ohio, for the modification of the pension laws—to the Committee on Invalid Pensions.

By Mr. HATCHER: The petition of the Royal Purple Temperance Club, Cape Girardeau, Missouri, numbering 330 members, for the passage of the Senate bill providing for a commission of inquiry concerning the alcoholic liquor traffic—to the Committee on the Judiciary.

Also, the petition of Olive Tree Lodge, No. 241, Independent Order of Good Templars, of Cape Girardeau, Missouri, of similar import—to the same committee.

By Mr. HENDEE: The petition of Charles Felton and 42 others, members of Franklin Good Templars' Lodge of Vermont, for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

Also, the petition of H. G. Vail and 55 other women, of Underhill, Vermont, and vicinity, for legislation to make effective the anti-polygamy law of 1862—to the same committee.

Also, the petition of Mrs. J. W. Guernsey and 30 other women, of Franklin, Vermont, of similar import—to the same committee.

By Mr. LATHROP: The petition of Mrs. W. H. Durham and 100 other ladies, of Belvidere, Illinois, of similar import—to the same committee.

By Mr. McKINLEY: The petition of 41 women of the Methodist Episcopal church of Wellsville, Ohio, of similar import—to the same committee.

Also, the petition of 196 women, of Salineville, Ohio, of similar import—to the same committee.

Also, the petition of Rev. Louis Paine and the official board of the Methodist Episcopal church of Wellsville, Ohio, for early and favorable action upon the Senate bill to provide for a commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

Also, the petition of 64 citizens of Ohio, against the extension of the Birdsall clover-huller patent—to the Committee on Patents.

By Mr. MORSE: The petition of William M. Jenks, for an award for services on board the transport Western Metropolis in capturing the blockade runner Rosetta Havana and cargo in 1864—to the Committee on War Claims.

By Mr. REILLY: The petition of women of Port Carbon, Pennsylvania, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. RICE, of Ohio: The petition of Mrs. E. R. McClusky, A. M. Noble, A. L. Mott and 50 other ladies, of Paulding, Ohio, of similar import—to the same committee.

By Mr. RICE, of Massachusetts: The petition of Mrs. L. A. Johnson and other ladies, of Oxford, Massachusetts, of similar import—to the same committee.

By Mr. RYAN: The petition of 151 ladies, of Arkansas City, Kansas, of similar import—to the same committee.

By Mr. SAMPSON: The petition of Mrs. Asa Turner and 50 other women, of Oskaloosa, Iowa, of similar import—to the same committee.

By Mr. SHALLENBERGER: The petition of Mary R. Dickey and 100 other women, of Beaver County, Pennsylvania, of similar import—to the same committee.

By Mr. STONE, of Iowa: The petition of citizens of Louisa County, Iowa, for the amendment of the patent laws so as to protect innocent purchasers of patented articles—to the same committee.

By Mr. SWANN: The petition of Mary Miller, for a pension—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Illinois: The petition of tax-payers of the District of Columbia, for the suspension of the sale of property for special assessments until the same are corrected—to the Committee for the District of Columbia.

By Mr. WADDELL: The petition of citizens of Bladen and Robeson Counties, North Carolina, for an appropriation for the removal of obstructions in a tributary of Pee Dee River—to the Committee on Commerce.

By Mr. WATSON: The petition of 100 women, of Waterford, Pennsylvania, for legislation to make effective the anti-polygamy law of 1862—to the Committee on the Judiciary.

By Mr. WIGGINTON: The petition of N. H. Beal and 542 other women, of California, of similar import—to the same committee.

## IN SENATE.

MONDAY, January 27, 1879.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.  
The Journal of the proceedings of Friday last was read.

## CORRECTION.

Mr. MORRILL. Mr. President, I desire to state that in the RECORD of Saturday in the statement of the vote on the final adjournment on Friday my name is recorded among the absent. I was present and voted in the negative. The omission makes no difference in the result, but at the same time I desire to have the roll corrected. I suppose that in the Journal it is entered in the same way; I am informed that it is.

The VICE-PRESIDENT. The Journal will be amended in that respect. The RECORD will be corrected by the Reporter.

## CONGRESSIONAL LIBRARY BUILDING.

Mr. HOWE. I ask indulgence to say now that to-morrow, if I can get the floor, I shall ask the Senate to proceed to the consideration of the bill (S. No. 1591) to provide additional accommodations for the Library of Congress, which was reported some time since from the Committee on the Library. I wish that Senators who have propositions to submit by way of amendment would prepare them and be ready to submit them.

## CREDENTIALS.

The VICE-PRESIDENT presented the credentials of James Shields, chosen by the Legislature of Missouri a Senator from that State to fill the vacancy caused by the death of Lewis V. Boggs.  
The credentials were read.

## EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from John W. Hoyt, relative to the inadequacy of the compensation now paid him as governor of Wyoming Territory; which was referred to the Committee on Territories, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from Major-General John M. Schofield, of the United States Army, commanding the department of West Point, recommending that in case action is not taken during the present session of Congress upon the general subject of the reorganization of the Army a proviso be introduced into the Army appropriation bill creating a professorship of modern languages at the United States Military Academy; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, recommending that an appropriation be made to make up certain deficiencies in the Post-Office Department; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of Mary E. Thomas and 132 other women, of Gibson County, Indiana, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. CHRISTIANCY presented the petition of Margaret Kelly and other women, of Millard County, Utah, and the petition of Elizabeth S. Cole and other women, of Oakland, California, praying for the passage of an act making effective the anti-polygamy law of 1862; which were referred to the Committee on the Judiciary.

Mr. FERRY presented the petition of Mrs. Anna B. Crispell and 103 other women, of Holland, Michigan, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. KERNAN presented the petition of James Buchan & Co., of New York City, praying for the passage of the bill (S. No. 1561) for the interchange of subsidiary silver coins and United States notes; which was referred to the Committee on Finance.

Mr. GARLAND presented resolutions of the city council of Fort Smith, Arkansas, in favor of the passage of the bill now pending in the House of Representatives, providing for the sale and disposition of the military reservation adjoining that city; which were referred to the Committee on Public Lands.

Mr. GARLAND. I present the petition of B. F. Overton, delegate from the Chickasaw Nation of Indians, praying that a 5 per cent. Indian trust-fund bond may be issued to fund all other trust-fund bonds and stocks. As Senate bill No. 720 on that subject is now on the Calendar, I ask that this petition be printed and lie upon the table to be called up when that bill is considered.

The VICE-PRESIDENT. That order will be entered.

Mr. WITHERS presented the petition of Bernard Wagner, of Evansville, Indiana, praying compensation for property lost during the late war, at Memphis, Tennessee; which was referred to the Committee on Claims.

Mr. WITHERS. I present the petition of John Murphy, of Virginia, praying for the establishment of a post-route from Pope's Creek to Kenmore, Westmoreland County, Virginia. I move its reference, together with the accompanying papers, to the Committee on Post-Offices and Post-Roads, there being among the papers the draught of

an amendment to the post-route bill to carry out the object of the petitioner.

The motion was agreed to.

Mr. SARGENT presented the petition of Mrs. S. D. E. Dowling and other women, of San Diego, California, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. MITCHELL. I present a memorial of the Chamber of Commerce of the city of Astoria, Oregon, in which they represent the urgent necessity for some improvement of the bar at the mouth of the Columbia River. As this is a matter of a very great deal of importance, I ask to have it read. It is short.

Mr. MORRILL. I hope we shall not consume this morning in reading memorials.

Mr. MITCHELL. I shall have to insist on its reading. Some five hundred vessels have entered the mouth of this river from all parts of the world in the last two years, and the Chamber of Commerce of the city of Astoria, shows the necessity of some small improvement, not a large improvement, to be made at once. I ask to have the memorial read.

The VICE-PRESIDENT. The Secretary will report the memorial. The memorial was read, and referred to the Committee on Commerce and ordered to be printed, as follows:

*To the honorable Senate and House of Representatives in Congress assembled:*

The Chamber of Commerce of Astoria, Oregon, would respectfully ask of your honorable body an appropriation of \$50,000 to be made by Congress for continuing the survey and improvements of the bar at the mouth of the Columbia River.

Five thousand dollars was appropriated last year for this purpose and the preliminary survey made.

By this survey it was ascertained that the bar was shoaling and there is not now the depth of water in the channels as formerly.

Immediate action is necessary to protect the shipping at this point and to prevent great damage to Oregon and the whole Columbia River basin.

Two hundred and seventy thousand dollars have been spent by the Government to improve the river from Astoria to Portland, and all vessels that can cross the bar without delay during the most favorable times can go to Portland.

During that same time, however, only the \$5,000 above spoken of have been expended on the bar, with the exception of one or two surveys for the purpose of making charts, and the bar has gradually shoaled. The harbor inside the mouth is deep enough for the largest vessels that float, and being sheltered would without any improvements except deepening the channel at the entrance make a harbor of refuge.

But it is principally on account of the needs of the commerce of the river that the present appropriation is asked.

Last year one vessel loaded with grain struck the bar going out and sunk at sea, a total loss of vessel and cargo. Another touched in going out and leaked so badly that she put into San Francisco. Other vessels were delayed weeks for a favorable time to get to sea for fear of striking. Vessels are now lying in port loaded waiting for perfectly smooth water to get out, not daring to cross with the least swell on. The American ship R. B. Fuller, 1,360 tons register, has been ready for sea and waiting six weeks. How much longer she will have to wait we do not know. Other vessels are here ready for sea which have waited already a long time.

The delay to a ship is worth from one hundred to one hundred and fifty dollars per day, and to the owners of the cargo \$25 per day. The Fuller having been delayed forty-five days, has occasioned a loss of over \$4,500 alone. High freights and scarce tonnage will soon result if the bar is not improved, while the farming and whole-commercial interests of the Columbia basin will be hampered and injured.

The number of vessels arriving from sea in the space of two years ending August 31, 1876, was four hundred and seventy-four, and the total value of exports for the two years was \$11,845,590.27. During the last two years ending August 31, 1878, the number of vessels to arrive, four hundred and ninety-seven; the total value of exports for the same period being \$19,105,100.10, an excess of only twenty-three vessels, with nearly double the amount of exports, showing a much larger class of vessels with a much deeper draught of water, and also going to show not only a large business but a rapidly increasing commerce, one that should be fostered and encouraged. The Chamber of Commerce would recommend that the appropriation be so made as to allow the deepening of the south channel by the "scouring process," either directly to sea or by way of the north channel below Sand Island.

That the observations of the currents be continued, if thought necessary by the Secretary of War.

JOHN Q. A. BOWLEY,  
President Chamber of Commerce.  
ANDREW W. BERRY,  
J. H. D. GRAY,  
E. S. LARSEN,  
Committee.

Mr. MORRILL presented the petition of E. A. Smith and others, citizens of New York, praying for the passage of the bill (S. No. 1561) for the interchange of subsidiary silver coins and United States notes; which was referred to the Committee on Finance.

Mr. PADDOCK presented the petition of John C. Lawton and others, postal clerks upon the various railways of the country, praying for the passage of a law fixing the grades of their salaries, first rate at \$1,400 per annum, and second rate at \$1,200 per annum; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HAMLIN presented the petition of John Winslow Jones, of Portland, Maine, praying for the extension of letters-patent granted to Isaac Winslow, for a process in packing green sweet corn; which was referred to the Committee on Patents.

Mr. HAMLIN. I present a petition, numerous signed by merchants and ship-owners residing and doing business in Bangor, in the State of Maine, praying for the passage of the bill (H. R. No. 3547) to regulate interstate commerce and to prohibit unjust discriminations by common carriers, which has passed the House and is now before the Committee on Commerce of the Senate. The petitioners respectfully pray that the bill may be speedily passed by this honorable body. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. DORSEY presented the petition of Frank Jones, of Washington, District of Columbia, praying for the passage of a law refunding

erroneous taxes paid by him during the years 1872-75; which was referred to the Committee on the District of Columbia.

Mr. HOWE presented the petition of Mrs. Rev. W. B. Dada and other ladies, of Wayne County, New York, praying for the passage of an act making effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

Mr. BUTLER presented the petition of J. W. Stribling, A. W. Ad-dington, and others, citizens of South Carolina, praying for the passage of a law relieving them from responsibility as sureties on the bond of J. R. W. Johnson, late postmaster at Walhalla, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CONKLING. I present a petition signed by a large number of residents of the city and State of New York, praying the passage at the earliest day of a bill for the interchange of subsidiary silver coins and United States notes. It is a bill which was introduced by the honorable Senator from California on my right, [Mr. BOOTH.] I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I have received, and I suppose it is proper still to present, a petition of citizens of New York, praying for the passage of the bill (H. R. No. 4234) granting arrears of pensions. I move that it lie upon the table.

The motion was agreed to.

Mr. COKE. I present the memorial of James Masterson, of Houston, Texas, praying for the passage of a law conferring authority upon the United States Court of Claims, or some other tribunal, to hear and determine the rights of claimants to their respective interests in the proceeds of the sale of captured or abandoned property taken from citizens of the Southern States during the late war. I ask that it be read and referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The memorial will be read.

The memorial was read, and referred to the Committee on the Judiciary, as follows:

*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

The undersigned, citizens of the United States, respectfully represent that whereas a very large amount of private property was taken during the late war by the authorities of the United States from citizens of the South, under the denomination of captured or abandoned property, the proceeds of which, after paying all expenses of seizure, transportation, and sale, were paid over to the United States Treasury, to be held as a trust, and not the property of the United States; and

Whereas this fund, which has been decided by the highest tribunal of the land, to be held in trust for the owners from whom it was taken, and over fourteen millions of dollars of the fund are still in the Treasury, but no remedy afforded to the owners to establish their rights of property therein by adjudication in court:

Therefore, the undersigned respectfully petition and pray for the enactment of a law conferring authority upon the United States Court of Claims, or some other impartial tribunal, to hear and determine the rights of claimants to their respective interests in said fund and for the recovery of their rights therein, &c.

Mr. ALLISON presented the petition of Miss D. F. Gibbs and other ladies, of the city of Dubuque, Iowa, praying for the passage of an act making effectual the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

He also presented the petition of A. Bliedung and others, citizens of Clayton County, Iowa, praying for a modification of the patent law so as to protect purchasers of articles who have purchased them in open market; which was referred to the Committee on Patents.

Mr. PLUMB presented a resolution of the Kansas City Board of Trade, in favor of opening up the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

Mr. MCCREERY presented the petition of William Stone Abert, of Washington City, praying that the tax paid by him for repaving D street and Pennsylvania avenue, be refunded; which was referred to the Committee on the District of Columbia.

He also presented the petition of William B. Reed, executor of G. A. W. Randall, deceased, late of Washington City, praying that the tax paid by him for repaving D street and Pennsylvania avenue be refunded; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL. I present resolutions adopted by the Board of Trade of Kansas City, Missouri, on the 20th of January, 1879, in favor of the opening of the Indian Territory in pursuance of the treaties and the passage of the bill introduced in the House by Hon. B. J. FRANKLIN. I ask that these resolutions be read. They are very short.

The VICE-PRESIDENT. They will be reported.

The resolutions were read, as follows:

Whereas in our judgment it conclusively appears from the provisions of existing treaties that the Indian Territory can be legally opened to settlement, and that such settlement would tend to the material and moral advancement of the Indians and to the better protection of the rights of persons and property within the limits of the Territory, and that the intelligent and educated portion of the Indians favor such legislation, and that such legislation will not destroy or disturb the autonomy of the tribal organization of the Indians, and that it will the better subserve the preservation of the funds and lands belonging to and owned by them; and

Whereas the dedication of this country to barbarism not only bars inter-communication between the people, commerce, agriculture, and industry of the great West and the citizens of Texas and the southern sea-board, but hermetically shuts out from the softening and enlightened influences of civilization one of the richest, most beautiful and productive regions on the continent; and

Whereas the almost unanimous voice of the citizens affected by this stoppage of interstate commerce protests vigorously against its longer continuance: Now, therefore,

Be it resolved by the Board of Trade of the City of Kansas, Missouri, That the bill introduced into Congress by Hon. B. J. FRANKLIN for the foregoing purposes is



specially meritorious and praiseworthy, and that we do heartily indorse the said bill as being wisely in the public interest.

And further, That we are earnestly of the opinion that such legislation as in said bill is proposed would inure to the benefit and advantage of the Indians, to the interest of the citizens of the United States at large, and especially to the inhabitants of the States of Missouri, Arkansas, Colorado, and Texas, and to the development of the material wealth of this vast region of country.

Therefore we do hereby earnestly commend to the attention of our Senators and Representatives in Congress this most important matter, as well as to the Senators and Representatives of neighboring States, and urge upon them the almost imperative necessity of prompt action by the passage of the bill introduced by Hon. B. J. FRANKLIN, or some similar measure, whereby the general interest of the public may be advanced.

H. H. MILLER, *Secretary*.

H. M. HOLDEN, *President*.

The VICE-PRESIDENT. What disposition does the Senator from Missouri desire shall be made of the memorial?

Mr. COCKRELL. I ask that it be referred to the Committee on Territories.

Mr. ALLISON. I do not like to antagonize the wish of my friend, but my impression is that the memorial should go to the Committee on Indian Affairs.

Mr. COCKRELL. If the Senator from Iowa is anxious to consider it I have no objection to its going there, and I hope its consideration will prove very profitable to that committee.

Mr. ALLISON. I am not anxious to have the Committee on Indian Affairs consider it at all. Probably it will not be considered if it goes to that committee.

The VICE-PRESIDENT. The resolutions will be referred to the Committee on Indian Affairs.

Mr. ROLLINS. I present the memorial of A. H. Cragin and others, owners of property in Washington, District of Columbia, and I desire to have it read; it is but one page.

The VICE-PRESIDENT. The memorial will be read.

The Secretary read as follows:

*To the honorable Senate and House of Representatives:*

The undersigned, owners and persons interested in the grounds and improvements opposite the park east of the Capitol, respectfully represent that we have suffered great loss, inconvenience, and injury by reason of the cutting down of the park and First street and the streets leading east therefrom, leaving, in some instances, the foundations of the buildings above the present grade of the streets and wholly without sewerage on First street east, thereby largely reducing the rents and profits from property purchased before the grade was changed.

We therefore respectfully pray that Congress may at its present session grant us relief by providing for proper sewerage on First street east, and for removing the high terraces and embankments upon which our property is situated, and for making safe and secure the foundations of buildings situated in the squares thus injured fronting on First street east and the East Capitol Park.

We would respectfully suggest that Congress has already granted relief to Major McDonald, former assistant secretary of the Senate, on the north side of the park, and to the society owning the colored church on the south side of the park, for similar injuries and damages.

In view, therefore, of these precedents, we respectfully and earnestly request that our grounds be taken for the public use, or that adequate damages be allowed us and improvements made as herein set forth.

A. H. CRAGIN.  
R. B. FERGUSON.  
DANIEL A. CONNOLLY.  
A. C. VAN PATTEN.  
N. G. ORDWAY.

The VICE-PRESIDENT. The memorial will be referred to the Committee on the District of Columbia.

#### WATER SUPPLY OF WASHINGTON.

Mr. BARNUM. I present a letter from General Meigs in relation to the water supply of Washington City, and ask that it be read, printed, and referred to the Committee on the District of Columbia.

The VICE-PRESIDENT. It will be read at length.

The Secretary read as follows:

WAR DEPARTMENT, QUARTERMASTER GENERAL'S OFFICE.  
Washington, D. C., January 24, 1879.

DEAR SIR: I submit the following in connection with reports from the commissioners of the District of Columbia and of the engineer in charge of the Washington Aqueduct, which within a few days have been printed in the CONGRESSIONAL RECORD, upon remedying the difficulties in the present distribution of water to Washington.

The commissioners are of opinion that the best remedy for the deficiency will be to extend the Washington Aqueduct itself by tunnel under Georgetown and the bluffs north of Washington to some point on the northern boundary line of the city; but they apprehend, without surveys, that this would cost \$1,000,000.

The engineer in charge of the aqueduct recommends, as the simplest and easiest method of increasing the pressure upon the pipes upon the high grounds, the laying of another thirty-six-inch iron pipe, twenty-eight thousand feet long, from the distributing reservoir to Capitol Hill, which he estimates to cost \$398,948, say \$400,000, or \$14.24 per lineal foot laid. The thirty-six-inch pipe laid six years ago cost, the commissioners report, \$423,000.

I have again examined an estimate which I made in May, 1876, of the cost of extending the Washington Aqueduct itself to the bluffs north of the city of Washington by tunneling, and have procured information from the engineers of the new Baltimore water-supply, which was begun in 1875 or 1876, and is now under construction. That supply is by a tunnel twelve feet in diameter and seven and one-half miles in length from the Great Gunpowder Falls to Baltimore. In 1876 I estimated, from the contract prices at which the Baltimore tunnel had been let, that the Washington Aqueduct extension would cost \$25 per lineal foot.

I learn that the present actual cost of the Baltimore tunnel, twelve feet in diameter, estimating its average depth below ground at two hundred and seven feet, the shafts in use being from one hundred and twenty-five to two hundred and sixty feet in depth, is \$5.05 to \$5.50 per cubic yard.

The twelve-foot tunnel, requiring excavation of 4.18 cubic yards of rock, generally hard blue gneiss, costs \$23 per lineal foot.

The tunnel for the extension of the Washington Aqueduct would pass through a similar formation. If made eleven feet in diameter, which is the size of the several tunnels through which the Washington Aqueduct now passes and is large

enough to permit any part of it to be lined with masonry a foot thick where the rock is too soft to stand without lining it, would require the excavation of 3.52 cubic yards of rock per lineal foot, which, at \$5.50 per cubic yard, should cost \$19.30 per lineal foot. Seventeen thousand feet of such tunnel would bring the aqueduct from the distributing reservoir to the line of Fourteenth street, and would cost therefore \$328,100, or \$70,848 less than a thirty-six-inch pipe to Capitol Hill.

Wherever the rock proves so soft as to require lining with masonry it may be presumed that its excavation will be so much cheaper than the saving in these places, which will be few, will suffice to pay for the masonry which should be built of the hard rock furnished by the excavation of the tunnel itself.

The \$71,600 saved from the cost of the proposed thirty-six-inch main would build all of the small terminal reservoir necessary, and would lift and relay such portions of the twelve and thirty-inch mains between Georgetown and the distributing reservoir as would be rendered unnecessary in their present position by the construction of this tunnel, which would bring the aqueduct itself to the hill on the city boundary, delivering with a head of one hundred and forty feet, which is thirteen and a half feet above the highest street grade in Washington at Boundary and Fourteenth street, about ten millions of gallons every three hours, while the thirty-six-inch main is estimated to deliver on Capitol Hill, at one hundred and twenty-five feet above tide, only ten millions of gallons in twenty-four hours.

The information I have as to the present actual cost of the Baltimore twelve-foot tunnel, comes from the resident engineer of one of its sections under construction. An extension of five thousand feet further east will take the aqueduct to the north end of New Jersey avenue at an additional cost of \$96,500. But probably it will not be desirable to make this extension for many years yet.

A reservoir at Fourteenth street, near the Columbia College grounds, will have a commanding position, and the pipes already laid will, under this additional pressure, near the city, give a greater supply than now and at a higher level.

I am, very respectfully, your obedient servant,

M. C. MEIGS.

*Quartermaster-General, Brevet Major-General United States Army.*

Hon. S. W. DORSEY,

*Chairman Senate Committee on the District of Columbia,*

*Washington, D. C.*

The VICE-PRESIDENT. This communication will be referred to the Committee on the District of Columbia, and printed.

#### REPORTS OF COMMITTEES.

Mr. MORRILL. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 1584) for the relief of James L. Williams, to report it back. It was evidently referred to that committee by mistake. I move its reference to the Committee on Private Land Claims.

The motion was agreed to.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the joint resolution (H. R. No. 201) proposing an amendment to the Constitution prohibiting the payment of claims of disloyal persons for property injured or destroyed in the late war of the rebellion, to report it with an amendment, and to state that the committee on a careful investigation think that the joint resolution as it passed the House is totally inadequate to the objects that the title indicates, and our effort has been to make it complete. I shall move to take it up as soon as I conveniently can.

Mr. SARGENT, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 1583) for the relief of William H. Everett, reported adversely thereon, and the bill was postponed indefinitely.

Mr. ANTHONY, from the Committee on Printing, to whom was referred the bill (S. No. 1554) relating to printing impressions from portraits and vignettes, reported it with an amendment.

Mr. KELLOGG, from the Committee on Pensions, to whom was referred the bill (H. R. No. 830) granting a pension to Elizabeth Teagarden, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 529) granting a pension to Daniel Midgough, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4793) granting a pension to James Mahew, late private in the Twenty-third Battery of Indiana Volunteers, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4697) granting a pension to Philip Thoen, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of James C. Daggett, late private Company E, United States Signal Service, granting an increase of pension, submitted a report thereon, accompanied by a bill (S. No. 1705) granting an increase of pension to James C. Daggett.

The bill was read twice by its title, and the report was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 764) granting a pension to James W. Crowley, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. WITHERS. I am also instructed by the Committee on Pensions to make an adverse report upon the petition of Elisha M. Luckett, praying to be allowed arrears of pension claimed to be due for services rendered during the Mexican war. This is reported adversely because it is provided for by the general law granting arrears of pension.

The VICE-PRESIDENT. The committee will be discharged from the further consideration of the petition.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the bill (H. R. No. 475) granting a pension to William Black,

late a private in Company K, First Indiana Heavy Artillery, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 1602) granting a pension to Louisa Bainbridge Hoff, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Patrick Bolton, praying to be restored to the pension-roll, asked to be discharged from its further consideration; which was agreed to.

#### BILLS INTRODUCED.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1706) authorizing the retirement of Colonel William H. French, Fourth Artillery, brevet brigadier-general United States Army, late major-general volunteers, with the rank and pay of a brigadier-general; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1707) for the relief of William Talbert; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1708) granting the right of way through the public lands of the United States in the State of Florida to the Tampa, Peace Creek and Saint John's River Railroad Company of Florida; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BARNUM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1709) for improving the Potomac River, the drainage and sewerage of Washington and Georgetown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1710) to replace the name of Laurence A. Williams, late major Sixth Cavalry, United States Army, upon the rolls of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1711) to reorganize and discipline the militia of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1712) making an appropriation for the improvement of the Fourche la Pevé River, Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1713) to establish an additional land district in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1714) for the relief of the State University of California, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1715) providing for the ascertainment of and compensation for patented inventions used in the Springfield breech-loading system by the United States; which was read twice by its title, and referred to the Committee on Patents.

Mr. PLUMB asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1716) granting a pension to David L. Payne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1717) for the relief of the legal representatives of George Coggan, late of Oregon, deceased; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 1718) to provide for the erection of a public building at Brooklyn, New York, for use as a post-office and United States court and for the accommodation of United States internal-revenue officials, and for other Government purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the following acts:

An act (S. No. 893) to authorize the Secretary of the Treasury to examine the evidence of payments made by the State of Missouri since April 17, 1866, to the officers and privates of the militia forces of said State for military services actually performed in the suppression of the rebellion, in full concert and co-operation with the authorities of the United States and subject to their orders, and to make report thereof to Congress; and

An act (S. No. 1297) for the protection of dairymen and to prevent deception in the sales of butter and cheese in the District of Columbia.

#### AMENDMENTS TO BILLS.

Mr. FERRY submitted an amendment intended to be proposed by him to the bill (H. R. No. 6143) making an appropriation for the service of the Post-Office Department for the fiscal year ending June 30,

1880; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ROLLINS submitted an amendment intended to be proposed by him to the bill (S. No. 1342) concerning street railroads in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. No. 1343) relating to the taxation of street railroads in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. No. 1479) relating to assessments for special improvements in the District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BECK, Mr. BUTLER, Mr. CHAFFEE, Mr. DORSEY, Mr. JOHNSTON, Mr. MITCHELL, Mr. PLUMB, and Mr. WITHERS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5218) to establish post-routes herein named; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS (by request) submitted an amendment intended to be proposed to the bill (S. No. 1412) to provide for improving the navigation of the Mississippi River and for the reclamation of the lowlands of the States bordering thereon; which was referred to the Committee on Commerce, and ordered to be printed.

#### PRINTING OF TESTIMONY.

Mr. GARLAND submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the testimony taken and to be taken by the select committee appointed under the resolution of the Senate of December 17, 1878, to inquire into the subject of alleged frauds in the recent elections, be printed.

#### NATIONAL OBSERVATORY.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That so much of the report of the Secretary of the Navy as refers to the subject of a new site and buildings for the Naval Observatory, and the report of the commission thereon, be referred to the Committee on Naval Affairs.

Mr. PADDOCK. I move that the joint resolution (S. R. No. 16) authorizing the appointment of a commission of scientists to investigate and report upon the establishment and location of an additional national observatory be taken from the table and referred to the Committee on Naval Affairs in connection with the resolution just submitted by the Senator from California, [Mr. SARGENT.]

The motion was agreed to.

#### POST-ROUTE IN MAINE.

Mr. HAMLIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on Post-Offices and Post-Roads be directed to inquire into the expediency of establishing a post-route from East-Booth Bay to South Bristol, in the State of Maine.

#### REVISED STATUTES.

Mr. CONKLING submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on Revision of Laws be instructed to inquire into the expediency of making provision for publishing a revision of the statutes of the United States adopted since the date of the existing revision.

#### MILITARY POST AT EL PASO.

Mr. MAXEY. I ask unanimous consent to take up and put on its passage the bill (S. No. 1662) making an appropriation for the purchase of a site, and for the erection thereon of a military post, at El Paso, Texas. All the military authorities urge its passage, and the bill is reported unanimously by the Committee on Military Affairs. It will take no time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates \$40,000 for the purchase of the necessary grounds and the erection thereon of a military post, at El Paso, Texas, to be expended under the direction of the Secretary of War.

Mr. MAXEY. The bill is reported upon the recommendation of all the military officers and upon plans and specifications, and, as I stated, it is the unanimous report of the Committee on Military Affairs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ABOLITION OF VOLUNTEER NAVY.

Mr. SARGENT. I ask the Senate to consider the bill (H. R. No. 5180) to abolish the volunteer navy of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and to insert in lieu thereof the following:

That it shall be the duty of the Secretary of the Navy to organize a board of five line officers of the Navy, none of whom shall be below the grade of captain, whose duty it shall be to make an examination of the line officers now composing the volunteer navy of the United States, which examination shall be such as is required in the examination of officers for promotion; and, further, that it shall be the duty of the Secretary of the Navy to organize a board of five medical officers of the Navy, none of whom shall be below the grade of lieutenant-commander,



whose duty it shall be to make an examination of the eighteen acting and three acting passed assistant surgeons now in the service, should they desire to present themselves, which examination shall be such as is required in the examination of medical officers for admission as assistant surgeons; and in all cases where said board shall find that such officers are professionally, morally, and physically qualified to perform the duties of their position, and shall so report to the Secretary of the Navy, it shall and may be lawful for the President of the United States to appoint such officers assistant surgeons in the regular Navy of the United States. And in the cases of officers who may not be found to be either professionally, morally, or physically qualified to discharge the duties of their position, then said officers shall be mustered out of the service of the Government within six months from the passage of this act, with either six months' or one year's pay, as the President may determine: *Provided*, That in the event of physical disqualification which occurred in the line of duty such officer may, upon the recommendation of a retiring board, be placed upon the retired list, with the pay of officers of like designation in the regular Navy.

SEC. 2. That from and after the passage of this act the Secretary of the Navy shall not appoint acting assistant surgeons for temporary service, as authorized by section 1411, Revised Statutes, except in case of war.

Mr. SARGENT. Mr. President, the passage of this bill will be a great reform in the Navy. It will save a very considerable amount of money each year, and will dispense with officers for whom there is no necessity whatever, but for whose discharge there is claimed to be no law. They were appointed under legislation by which Congress intended that they should be employed on temporary duty; but they have been kept on from year to year until it has become a habit to keep them. They are all, with one exception, medical officers, many of them on waiting orders, and all of them superfluous, as reported by the Secretary of the Navy. The bill provides that these officers shall be examined, if they desire it, and that those who have the professional, moral, and physical qualifications may be received into the Navy of the United States, the others to be discharged after six months' or one year's pay. It is a House bill, and the substitute which the committee propose makes this difference: by the House bill it is provided that there shall be a board of officers convened. As they are all with one exception medical officers we provide that there shall be a board of medical officers convened in order that it may be strictly ascertained that those who are received into the Navy of the United States have the professional qualifications necessary, and this could only be ascertained by such a board.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Naval Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time.

The bill was read the third time, and passed.

#### PROVIDENCE CUSTOM-HOUSE LOT.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of the bill (S. No. 1624) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to purchase, by contract or condemnation, all that part of the block of land, not already owned by the United States, bounded by South Main street, Crawford street, South Water street, and Custom avenue, if in his judgment the necessities of the public service require, and for this purpose a sum not to exceed \$125,000 is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SENATOR FROM MISSOURI.

Mr. COCKRELL. The credentials of my colleague having been presented to the Senate I ask that he be now sworn in.

The VICE-PRESIDENT. The Senator-elect will advance to the Chair for that purpose.

Mr. SHIELDS advanced to the Vice-President's desk, escorted by Mr. COCKRELL, and the oaths prescribed by law having been administered to him, he took his seat in the Senate.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DAWES, it was

Ordered, That the papers on file in the office of the Secretary of the Senate in the case of Laban, Heath & Co. be taken therefrom and referred to the Committee on Claims.

#### CATHARINE AND SOPHIA GERMAIN.

Mr. PLUMB. I ask the Senate to proceed to the consideration of House bill No. 2153.

Mr. ANTHONY. Mr. President, I feel constrained to call for the regular order.

The VICE-PRESIDENT. The Senator from Rhode Island calling for the regular order, the Chair must observe it, and the Senate will proceed with the Calendar of general orders, commencing at the point left off at the last call. The Chair will recognize the Senator from Kansas on the first opportunity.

The bill (H. R. No. 1679) for the relief of Catharine and Sophia Germain was considered as in Committee of the Whole. It directs the Secretary of the Interior to reserve from that portion of annuities due, or to become due, to Cheyenne Indians, \$2,500 for Catharine Germain, aged eighteen years, and \$2,500 for Sophia Germain, aged thirteen years, two white children, who were captured in Kansas by the Chey-

enne Indians while en route from Georgia to Colorado, and cause the same to be placed to their credit on the books of the Treasury of the United States, to bear interest at the rate of 5 per cent. per annum, and use from time to time the income from the same in such manner as he may deem expedient for their maintenance, education, and support until they attain the age of twenty-one years, when the principal and all unexpended interest shall be paid to them.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 18, after the words "provided, that if," to insert "before attaining the age of twenty-one years;" so as to make the proviso read:

*Provided*, That if, before attaining the age of twenty-one years, either said Catharine Germain or Sophia Germain should die without issue, the whole sum due the decedent shall revert to the survivor; and should both die without issue, the whole sum shall revert to the United States; but if either said Catharine Germain or Sophia Germain, or both, have lawful issue, then, at the death of either parent, the amount due to her in her own right, or which she may have inherited, shall become the inheritance of her own issue.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### WARREN MITCHELL.

Mr. HARRIS. Mr. President, when the Senate passed from the consideration of the Calendar on Friday last Senate bill No. 855, for the relief of Warren Mitchell, was under consideration. I suppose by the subsequent order of the Senate postponing all previous orders for the consideration of another matter on Friday that bill has lost its place as the unfinished business.

The VICE-PRESIDENT. It resumed its original place on the Calendar.

Mr. HARRIS. I hope the Senate will consent, inasmuch as it is so far in the consideration of this bill, to go on with its consideration to a final conclusion. It certainly cannot take much time now to finally dispose of it, and whatever may be the judgment of the Senate I should be very glad to have that judgment pronounced.

The VICE-PRESIDENT. The proposition in that form will require unanimous consent. Unanimous consent is asked that the Senate now proceed to the consideration of the bill for the relief of Warren Mitchell.

Mr. ANTHONY. I cannot consent to have that bill taken up now, because it will occupy the whole of the time that should be devoted to the Calendar.

The VICE-PRESIDENT. Objection is made. The Secretary will proceed with the call of the Calendar.

#### CAMP DOUGLAS MILITARY RESERVATION.

The bill (S. No. 740) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah, was announced to be the next on the Calendar.

The bill was read.

Mr. MORRILL. Let the report be read.

The Secretary proceeded to read the report submitted by Mr. SPENCER, from the Committee on Military Affairs, on the 12th of March, 1878, but before concluding he was interrupted by

Mr. PLUMB. I move that the further reading of the report, being merely the exhibit attached to it, be dispensed with.

The VICE-PRESIDENT. Is there objection?

Mr. MORRILL. The Senator who reported this bill does not appear to be present to make any explanation. It appears instead of a general bill to be a bill for the relief or for the benefit at least of a private individual who has already through trespass enjoyed a very large amount of benefit from the use of lands belonging to the United States. I think that this involves so large an amount that it is worthy of further investigation, certainly of some explanation. I object to its present consideration.

The VICE-PRESIDENT. The bill goes over under objection.

#### WARREN MITCHELL.

Mr. MCCREERY. Mr. President, as the most obvious means of obtaining fair play in this body, I shall move that the Senate postpone the present and all pending orders and proceed to the consideration of Senate bill No. 855. The bill had been regularly reached on the Calendar; it was regularly under consideration when a motion was made to postpone it, and an old conference report which had just about subsided enough in it to make it very attractive to this body came up; and if this bill is permitted to pass over at this time it will not be attended to at the present session, I fear. I desire a vote upon it. I therefore move the postponement of the present and all prior orders, to be followed by a motion to take up that bill.

The VICE-PRESIDENT. The Senator from Kentucky moves to postpone the further consideration of the pending order and of all prior orders, and proceed to the consideration of the bill for the relief of Warren Mitchell.

The question being put, a division was called for; and there were 23 ayes.

Mr. McMILLAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McMILLAN. The Senator from Kentucky suggested that the measure pending at the time this bill was taken up on a previous day in the Senate contained about enough of subsidy in it to be attractive to this body. I do not remember at this time what that measure was; but it seems to me that this claim of Mr. Mitchell has not any great precedence over any other subject that has been before the Senate at this session. Its merits are certainly not so obvious as to give it prominence in the meritorious business of the Senate.

Mr. HILL. Mr. President, I voted on the previous occasion to take up this bill, and I shall vote for the motion made by the Senator from Kentucky now to postpone all other orders and take up this bill and dispose of it. I do not know what may be the result of this motion. I deem it therefore proper to say that I do not wish it understood that by voting to take up the bill I am to be understood as intending to vote for the passage of the bill. There is perhaps no man in this Senate, on either side of this House, whose convictions are more firmly fixed upon principle to vote against what are known as war claims than myself. I shall vote against them. It will not even need a constitutional amendment to make me vote against them. I shall vote against them because I think they ought not to be paid, and I shall give my reasons for it if the question shall ever come before the Senate in proper form on the passage of this or any other bill of like character. At the same time I think it due to this case, and due to the gentleman, that we should take up his bill and dispose of it. If we are going to pass his claim, it ought to be passed. If we are not going to pass it, he ought to be notified of it, and, especially, as by a solemn vote of the Senate taken last week to take up this bill and dispose of it it was taken up and it lost its place by a motion to consider a conference report, I think it is nothing but fair that we should return to the bill and dispose of it. Therefore I shall vote to take up the bill; but I shall not vote for its passage.

Mr. KERNAN. Mr. President—

Mr. ANTHONY. Mr. President, I rise to a point of order.

Mr. KERNAN. Allow me a single word.

Mr. ANTHONY. I will make the point of order, Mr. President, that the resolution under which the Senate is now acting cannot be postponed except by unanimous consent. It is carrying into effect an order of the Senate.

Mr. KERNAN. Allow me to say a word before this point is pressed. This bill was up and pressed the other day, and I then desired that we should come to a vote upon it. I voted against its indefinite postponement, because I think we had better dispose of such bills when they are up and discussed. I say this because I have examined the bill and shall feel constrained to vote against its passage, but I am ready to vote to take it up and dispose of it now and let this man know whether he can get relief or not.

The VICE-PRESIDENT. The Chair does not think the point of order made by the Senator from Rhode Island is well taken. The order has no higher priority than a special order. A majority of the Senate may always control its business. The Chair overrules the point of order.

Mr. SAULSBURY. I shall probably vote against the bill when it is taken up, but the Senator from Kentucky [Mr. McCREERY] was on the floor for the purpose of making some remarks when we adjourned the other day. I think he should have an opportunity to present the merits of the case affecting the interests of one of his constituents. I hope, therefore, the Senate will consent that the bill be taken up.

Mr. HOAR. I rise simply to a parliamentary inquiry. The ruling just intimated by the Chair is exceedingly important, and it should be understood by the Senate for the government of their future action. I understood that the ruling last session was that the Anthony rule, so called, required unanimous consent to postpone the business which it covered during the morning hour, and that, at the present session there has been a vote extending the operation of that rule until half past one daily.

The VICE-PRESIDENT. The Chair does not understand that to be the import of the resolution, which will be read for information.

Mr. HOAR. I do not rise for the sake of controverting the ruling of the Chair, but that it may be perfectly understood by the Senate.

The VICE-PRESIDENT. The Chair so understands. The rule under which the Senate is acting will be read.

The Secretary read the following resolution adopted by the Senate on the 20th instant:

*Resolved*, That at the conclusion of the morning business each day after this day the Senate will proceed to the consideration of the Calendar, and continue such consideration until half past one o'clock; and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless upon motion the Senate shall at any time otherwise order; and the objection may be interposed at any stage of the proceedings.

The VICE-PRESIDENT. The Chair does not understand this proceeding to be within the morning hour or to have any higher effect than a special order of the Senate which can be postponed by a majority of the Senate at all times.

Mr. MORGAN. I was a member of the committee that reported this bill and in committee I voted against the bill. I see no occasion to change my position at all, and yet I feel that it is a courtesy due to the Senator from Kentucky that I should vote to take it up. I have thought it proper to state that as a member of the committee I was against the bill, but I shall vote to take it up.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. COCKRELL. I desire to state that I did not concur in the report of the minority in this case, but joined with the majority. I desire the case considered, but when it comes to a vote on the question of passage I shall vote against the passage of the bill which has been recommended by the minority.

Mr. EDMUNDS. Mr. President, I wish to make a point of order now that everybody has spoken that wishes to, that debate on the merits of a proposition is not in order on a motion to take it up.

The VICE-PRESIDENT. The point is well taken.

Mr. EDMUNDS. I hope the Chair will enforce the rule.

The Secretary proceeded to call the roll.

Mr. MITCHELL. (when his name was called.) I am paired on this question with the Senator from Colorado, [Mr. TELLER.] If he were here, I presume he would vote against taking up this bill, and I should vote to take it up and consider it.

The roll-call was concluded.

Mr. EDMUNDS. I understand that the Senator from Kansas [Mr. PLUMB] and the Senator from South Carolina, [Mr. BUTLER,] who are at this moment absent from the Chamber, are paired on this question. Mr. PLUMB would vote "nay," and Mr. BUTLER would vote "yea."

Mr. MERRIMON. (who had voted in the affirmative.) I wish to say that if this is deemed by anybody a political question I propose to withdraw my vote.

Mr. EDMUNDS. I did not make that suggestion with any such reference; but word was sent up from below where these gentlemen are occupied that they were paired upon this question. That is all I know about it.

Mr. MERRIMON. It is pretty manifest that the Senator from Vermont treats this as a political question. I therefore ask leave to withdraw my vote.

The VICE-PRESIDENT. The Senator from North Carolina asks leave to withdraw his vote, to which the Chair hears no objection.

Mr. JONES, of Florida. I am in the same position with the Senator from North Carolina in regard to this matter.

The result was announced—yeas 31, nays 18; as follows:

#### YEAS—31.

Bailey,	Eaton,	Jones of Florida,	Sargent,
Barnum,	Garland,	Kernan,	Saulsbury,
Bayard,	Gordon,	Lamar,	Shields,
Beck,	Grover,	McCreery,	Voorhees,
Cockrell,	Harria,	McPherson,	Wallace,
Coke,	Hereford,	Maxey,	Whyte,
Davis of West Va.,	Hill,	Morgan,	Withers.
Dorsey,	Johnston,	Ransom,	

#### NAYS—18.

Allison,	Conkling,	Hoar,	Rollins,
Anthony,	Dawes,	Howe,	Saunders,
Blaine,	Edmunds,	McMillan,	Wadleigh.
Cameron of Pa.,	Ferry,	Morrill,	
Chaffee,	Hamlin,	Oglesby,	

#### ABSENT—27.

Booth,	Davis of Illinois,	McDonald,	Randolph,
Bruce,	Dennis,	Matthews,	Sharon,
Burnside,	Eustis,	Merrimon,	Spencer,
Butler,	Ingalls,	Mitchell,	Teller,
Cameron of Wis.,	Jones of Nevada,	Paddock,	Thurman,
Christiancy,	Kellogg,	Patterson,	Windom.
Conover,	Kirkwood,	Plumb,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 855) for the relief of Warren Mitchell.

Mr. McCREERY. Mr. President, because I am a Senator from Kentucky and because a just demand is presented in favor of a gentleman who resides in that State, it is deemed altogether appropriate that I should say something in his behalf.

I would have been entirely willing that the discussion should have been confined to the committee who investigated the matter, and would have been content to place myself upon the record, but I know of nothing which should make me ashamed of the conclusion at which I have arrived or afraid to assign the reasons which have carried me to that conclusion.

I have taken small part in the matter of claims since I have been a member of the Senate. Some of them are just, some of them are probably exaggerated in amount, and some may be utterly fictitious and fraudulent; but the one now under consideration is not liable to a suspicion of exaggeration; it is entirely free from the slightest taint of fraud. The balance sheets of the Treasury assign the fixed and definite sum, and the history of the transaction from beginning to end is well understood. The cotton was seized by military order and after deducting all charges was sold for \$128,692.22. Since it is conceded on all sides that the Government makes no pretense of right or title to this fund, we are led to inquire what steps have been taken to ascertain the ownership in order that possession might be restored. No one can say that the amount is too insignificant to justify such an inquiry, and few will assert that the Government can afford to keep the money unless after the most diligent search, it fails to find the owner. It is not thus indifferent in collecting its own revenues; but through its army of agents, attorneys, spies, and detectives, it strikes for the last cent. If the Government would inspire all men with an ambition and a determination to pay their honest debts, let it set an example of inflexible fidelity in discharging its own obligations. We



believe that the true owner of the cotton claim is now before the Senate.

Mr. HOAR. Will the Senator from Kentucky allow me to ask him a question for my own information?

Mr. McCREERY. I will answer your question when I get through if it will suit you as well.

Mr. HOAR. It is on precisely the point the Senator is now making, and I thought it would be agreeable to him.

Mr. McCREERY. I should prefer to proceed and answer the question when I get through. I am going simply to present my views and present them very briefly, as I have made no thorough investigation into the matter. The committee who have investigated the subject can answer questions as to matters of fact better than I can.

Warren Mitchell is a native of Kentucky. He has been too well established in the confidence of the people to render frequent changes of residence necessary, and his labors and his business operations have been confined to the neighborhood and the city of Louisville. By your decision you may entail poverty upon him in his old age; but there is one thing of which you cannot deprive him, and that is the good report which will follow a long life of incorruptible integrity. If he leaves no other inheritance to his family, they can cherish the memory of a character which neither prosperity nor adversity could shake from the solid foundation on which it stood. Louisville and Cincinnati have borne the amplest testimony to his standing, and from a State as remote as Colorado comes a sworn indorsement.

What, then, was the purpose of Warren Mitchell in going across the Federal lines, and how did he go? Did he go forth armed and equipped and covering his movements under the darkness of the night? These are important questions, as malice charged and proven is an essential ingredient of crime. His creditors lived in a loyal State and his debtors lived in the confederated States, and before he could pay his own debts it was necessary that he should make collections. If he had waited awhile a bankrupt's certificate might have relieved him of all his troubles; but that was not exactly according to his notions of the proper way of meeting his just obligations. Like all men at that time who had respect for the authority of the Government, he went straightway to the military headquarters, and he did not go alone. Virgil McKnight went with him, and his presence was a guarantee that there was neither trickery nor deception in the transaction. Virgil McKnight has gone to his grave, but no man in that good old State had more reputation as a man of integrity and no man was more attached to the Union of these States. Upon their representations General Anderson granted the permit, and Mitchell proceeded upon his perilous mission. His success may have surpassed his expectations; at least it furnished the committee occasion to doubt his loyalty, as his cotton was sold for more than the entire amount of his claims. The committee overlooked the important fact that cotton was higher outside than it was inside the confederated States, and that some of this cotton had been purchased before the article had reached its highest price.

To cast additional suspicion upon his loyalty two lines are quoted from a long letter from Judge Ballard, very favorable in other respects, in which he says:

I do not know what were Mr. Mitchell's views of the rebellion. If he sympathized with it, and I have heard and believe he did, I regret it.

The high position and the high character of Judge Ballard cannot raise this statement above the dignity of hearsay evidence, and it falls to the ground when confronted by the sworn testimony of John B. Lewis, of Denver, Colorado, who saw Mitchell before the rebellion and during the rebellion, and at Louisville and at Nashville heard him express his violent opposition to secession.

No man had more reason to dread conflict than he had. He was not a soldier and had no taste for martial exercises. Diligently engaged in his commercial pursuits, meditating no wrong to others, relying on the law for protection and security, he was suddenly awakened by the cannonading at Sumter to an awful realization of the dangers which threatened destruction to himself and perhaps to his country.

He now sees his claim suspended between a charge of loyalty made by the Supreme Court of the United States and an insinuation of disloyalty in the Senate of the United States. The committee conclude that the disloyalty of the claimant is placed beyond question or doubt by the fact that he was engaged for a short time in pork-packing at Clarksville, Tennessee. It is no part of my purpose to evade the force of established facts, and candor compels the admission that under a sort of moral duress he did superintend that business for a term approaching six weeks.

I am not much of a believer in what are called special providences or the mysterious interposition of divine agencies in the affairs of men. If I were I might find a wonderful illustration in the locality and capacity of the pork-house at Clarksville. The campaign up the Cumberland was a flank movement, rendered successful by constant toil in the presence of constant danger. After the victory at Donelson the veterans of our Army were greatly fatigued and some of them were hungry. Who will describe their satisfaction when the well-stored pork-house at Clarksville disclosed its bountiful supplies? The odor of boiled meat, broiled meat, and fried meat rose from pot, skillet, and frying-pan, and toil and danger were forgotten amid the pleasures of the feast.

Warren Mitchell was opposed to the rebellion from the beginning

of the war to the end, and at the age of three score years and ten it looks like grinding oppression to keep his money and send him forth as poor as Lazarus simply because he placed a little fresh pork in a position where it was certain to be taken and consumed by the Army of the Cumberland.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I move that the bill be indefinitely postponed.

The VICE-PRESIDENT. The Senator from Vermont moves that the further consideration of the bill be indefinitely postponed.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Maryland, [Mr. DENNIS.] If he were present, I should vote "yea."

The roll call was concluded.

Mr. MITCHELL. As I stated a moment ago, and have stated several times, I am paired with the Senator from Colorado [Mr. TELLER] on this question. If he were here he would vote for the indefinite postponement and I should vote against it, in order that the bill might be considered further.

Mr. DAVIS, of West Virginia, (after having voted in the negative.) The Senator from Minnesota [Mr. WINDOM] is confined at home by sickness. I do not know how he would vote on this question. I am paired with him, and therefore I withdraw my vote.

Mr. JONES, of Florida, (after having voted in the negative.) I have to say that if there is any doubt about this matter I will ask to withdraw my vote, as I am paired with the Senator from Michigan [Mr. CHRISTIANCY] on all political questions.

Several SENATORS. This is not political.

Mr. JONES, of Florida. Some seem to think it is.

Mr. DAVIS, of West Virginia. It is due that I should make a further statement that this question was spoken of between the Senator from Minnesota and myself, and I am differently situated from other Senators, perhaps, where the question was alluded to between themselves and those with whom they are paired.

Mr. MERRIMON. I am strongly inclined to vote against the bill; but as I am paired on political questions, and this seems to be regarded as a political question, I will observe my pair.

Mr. JONES, of Florida. I will do the same, then, Mr. President; I withdraw my vote.

The VICE-PRESIDENT. The vote will be withdrawn.

The result was announced—yeas 21, nays 24; as follows:

#### YEAS—21.

Allison,	Davis of Ill.,	McMillan,	Saunders,
Anthony,	Dawes,	Morgan,	Sharon,
Cameron of Pa.,	Edmunds,	Morrill,	Wadleigh.
Chaffee,	Ferry,	Oglesby,	
Cockrell,	Hoar,	Rollins,	
Conkling,	Howe,	Sargent,	

#### NAYS—24.

Bailey,	Dorsey,	Hereford,	Ransom,
Barnum,	Eaton,	Hill,	Saulsbury,
Bayard,	Garland,	Johnston,	Shields,
Beck,	Gordon,	Kernan,	Voorhees,
Booth,	Grover,	Lamar,	Whyte,
Coke,	Harris,	McCreery,	Withers.

#### ABSENT—31.

Blaine,	Dennis,	McDonald,	Plumb,
Bruce,	Eustis,	McPherson,	Randolph,
Burnside,	Hamlin,	Matthews,	Spencer,
Butler,	Ingalls,	Maxey,	Teller,
Cameron of Wis.,	Jones of Florida,	Merrimon,	Thurman,
Christiancy,	Jones of Nevada,	Mitchell,	Wallace,
Conover,	Kellogg,	Paddock,	Windom.
Davis of W. Va.,	Kirkwood,	Patterson,	

So the motion was not agreed to.

Mr. HOAR. Mr. President, the Senator from Kentucky who just now addressed the Senate [Mr. McCREERY] promised that he would answer a question at the conclusion of his remarks. He left the Senate Chamber for a moment, probably having forgotten the promise, and I did not have an opportunity to address it to him.

Mr. McCREERY. I will answer it if I can.

Mr. HOAR. I understood the honorable Senator to state as the foundation of his argument that it was conceded and beyond question that the United States had no title whatever to this cotton, and that the only question therefore was to find the legal owner. I wish to ask the honorable Senator if he understands that this is a part of the large quantity of cotton captured at Savannah by General Sherman when he took that city, and if I am correct in understanding him to affirm that the United States acquired no title to any cotton by that capture, and is bound to restore it or its proceeds to the owners, when ascertained?

Mr. McCREERY. I have understood, so far as the cotton is concerned that belonged to rebels, that has to be restored under the decision of the Supreme Court of the United States, and I was arguing against the distinction against a Union man. That was the point of my argument. I understand that the Supreme Court has decided that if this cotton had belonged to a rebel he could have recovered it from the United States by a suit before the Court of Claims.

Mr. HOAR. Then I understand the Senator from Kentucky does affirm that it is the duty of the United States, in his judgment, to pay

all the owners of the cotton captured by Sherman at Savannah the price of the cotton if it was sold and turned into the Treasury.

Mr. McCREERY. I would rather that the Senator from Massachusetts would understand me to advocate the bill that is before the Senate. I did not undertake to consider any other bill, and I would prefer to be considered as being in favor of the claim now before the Senate.

The VICE-PRESIDENT. Shall this bill be engrossed for a third reading?

Mr. HILL. Mr. President, I suppose that we had as well meet here as anywhere the question made by this bill. I shall vote against it. I shall vote against it because I think it ought not to pass. I am not driven to this course by what is called policy, because the gentlemen on the other side are seeking to make political capital out of this and like claims. I am influenced by no such consideration. On the contrary, if I were influenced in this case by the precedents which republicans have set us in previous Congresses, I should feel constrained to vote for the passage of this bill. I know that by act of Congress the United States Government have paid some very large claims for cotton seized by General Sherman at Savannah; and if the Senator from Massachusetts, [Mr. HOAR,] as is implied by the question he propounded to the Senator from Kentucky, [Mr. McCREERY,] takes the position that none of the cotton seized by General Sherman at Savannah ought to be paid for by the Government, then the Senator from Massachusetts takes position against the payment of claims that have been allowed by the United States Government and by act of Congress. But I have not investigated to see which way that Senator voted on the question. It would be entertaining and interesting to examine and see how he did vote. One claim for cotton seized at Savannah by General Sherman, amounting to over \$500,000, was paid by the votes of a republican Congress when the House and Senate were both I believe about two-thirds republican.

Mr. CONKLING. What case was that?

Mr. HILL. The case of Lamar. That was a very large claim. It certainly had very little loyalty behind it to push it through. I suppose we must conclude that that case was large enough to go through Congress by its own momentum.

Mr. DAWES. Was not that a judgment of the Court of Claims?

Mr. HILL. I have no recollection that it was. It may have been passed upon by the Court of Claims. I do not remember.

Mr. DAWES. I think it was.

Mr. HILL. Certainly there was nothing in that case which made it better than this and many others either before that court or before Congress. I do not know how that got through.

Mr. DAWES. I do not affirm that it was, but I will inquire. I think it was.

Mr. HILL. I only say to the Senator from Massachusetts that whether it went through one tribunal or another, I happen to know it went through under republican auspices. I mention this simply to show that I do not think our friends on the other side should be at this late day exceedingly virtuous on this subject of loyal claims. I have not made the examination. Others profess to have made that examination, and they say not only this claim but claims amounting to a hundred million dollars of like character have been paid by the republican party during the last ten years. I do not know whether they have or not; I am not a man to delve in this kind of records; but certainly we do know that a very large number have been paid amounting to very large sums of money. So if I should follow precedents in this case, the precedents set by gentlemen on the other side, I should feel it my duty to vote for this bill.

I am willing to concede, too, that this gentleman now asking relief at the hands of the Senate is not in the character of a great many others. He is most evidently an honest man from all the evidence I have. I know him but slightly personally; but I have a great many letters from a great many persons in relation to him, and I am satisfied from all the evidence that he is not only an honest man but that he is incapable of preferring a claim before this body, or any body, that he does not believe to be just and right. I believe all that the Senator from Kentucky has said on that subject is correct. So I do not vote against this claim because I have any suspicion that the gentleman who prefers it is any other than an honest, correct man, and that he sincerely believes his claim ought to be paid.

But, Mr. President, I vote against this bill because, in my judgment, it is what we call *par excellence* a war claim, and I am against the payment of all war claims, whether they be loyal or disloyal, unless it be perhaps some few exceptions in favor of religious, educational, and charitable institutions; and there are very few even of that character that I will except. I vote against their payment upon principle. I have considered this question very carefully, and for a long time, and to-day is the first occasion I have expressed publicly my views upon the subject, because I did not desire to express them until after careful consideration of the question.

Now, why do I vote against this claim? It is, as I have said, emphatically a war claim; that is, it is a claim for compensation by reason of losses incurred during the war and by act of war. My first reason for not voting for it is that we cannot pay all of this kind of claims. They would bankrupt the Government. It is impossible that the Government should be expected to pay all these claims and claims standing on as good footing as this in every respect. If we cannot pay them all, to undertake to pay some is unjust to the rest; it is an unjust discrimination; and why should it be made?

On this subject of loyalty it is a curious spectacle to witness in the Senate of the United States my excellent friends on the other side who are anxious to prove that this gentleman was disloyal, and therefore vote against this claim, and some gentlemen on this side seem exceedingly anxious to prove that he was loyal and therefore will vote for his claim. I shall not trouble myself to consider that question. The question of loyalty is one that must yet receive its definition in this country. It has never yet received it. The word "loyal" as used by gentlemen on the other side, and the word "loyalty" at all, in my judgment, is not a word applicable in a popular government. I do dislike, I confess, to hear it. What do you mean by "loyal?" Do you mean by "loyal" a man who was devoted to the union of the States under the Constitution? If you thus define it, there are thousands, many thousands in the South who are and ever have been loyal in the highest sense. It was an easy matter for gentlemen living in Maine and New York and Massachusetts during the terrible ordeal through which we passed to proclaim their devotion to the Union—a very easy matter. Everybody concurred with them. It would have required some courage for my friend here, [Mr. ALLISON,] in Iowa to have said that he was not for the Union. And where it was such an easy matter to have professed unbounded devotion to the Union, I do not think that such profession has much merit in it. But further down, where the sun was warmer and the feelings were more heated, it required courage when the test was made for a man to say he was devoted to the Union. That man is entitled to some credit, and I do know that there are thousands and tens of thousands who under the most trying ordeal to which human courage was ever subjected, stood up and proclaimed their fidelity to the Union to the last moment. Yes, sir, there were thousands of men throughout the Southern States who were fearlessly defending the preservation of the Union, and resisting the current that was against them, when hundreds and thousands who for years have been loudly blatant in declaring their devotion to the Union where it was safe to do so, would not have dared to open their mouths on that line. Yet these gentlemen up here are *par excellence* loyal, and those gentlemen down there who fought against secession until it became an accomplished fact and submitted to disunion as they would submit to the death of a father, from necessity only, and then in sorrow and sadness of heart, are denounced as disloyal because they did what they could only do in their conscience or fact, go with their own people when they were determined to go and did go—these men are now held up as disloyal, and Senators in this body are exerting their wits and exhausting their patience and industry to find some little circumstance that may taint somebody with disloyalty for the purpose of defeating his rights! As I say, this question of loyalty has yet to receive a definition. It has not yet received a proper definition, and cannot be properly defined until passion shall subside, and sound reason be fully restored.

I know thousands of men who were ready to give everything to prevent the act of secession, who were devoted in their hearts and lives to the preservation of the Union of these States; who felt conscientiously bound under the teachings of their life-time and under the circumstances that surrounded them, compelled as they were necessarily, compelled conscientiously, not by duress, compelled by honest convictions as the result of a policy which they did not approve, to go as they did go; and, sir, I know that they were just as devoted to the Union as gentlemen who in a different climate and on more convenient occasions could safely proclaim their loyalty and who are now denouncing them as disloyal. It is all wrong, Mr. President.

This gentleman I dare say was a Union man. I know thousands of Union men in the South who were never guilty of an act of infidelity to the confederacy and who yet never saw the hour nor the moment that they would not have terminated the war on the basis of honest reunion. They were ready at all times to do it and their sentiments were not concealed, yet they went with their section. Shall we say that this is disloyalty, and that they only were loyal who desired that one section should become the conqueror of another section of a common country? Is that what you mean by loyalty? If you mean by loyalty devotion to the Union, desire to preserve the Union, desire even that the result of the conflict on terms honorable to both should be the preservation of the Union—if that is the meaning of loyalty, there are thousands and millions in the South who were loyal and always were loyal. But if you mean by loyalty a desire that one section of a common country should become the conqueror of another section, it will be a fatality for this country if anybody is loyal. I am not ashamed to stand up here and say that I believed the greatest possible calamity that could happen to this country was for one section to become the conqueror of another section of a common country; and yet the sun has never shone for an hour when in my heart of hearts the highest political ambition I ever had was not to see the American Union under the Constitution preserved, perpetuated, and obeyed forever. And yet, sir, there never was an hour when I would not have laid down my life and my all rather than have seen one section of a common country become the conqueror of another section of that same common country, and I believe that the wise men of this country will yet wake up to the fact that the greatest misfortune that has ever befallen us among our many misfortunes is the fact that a successful party to a sectional war obtained immediate and unchecked control of the whole Government over both sections.

So this talk about loyalty and disloyalty has no weight whatever with me in this case. I vote against this bill from higher and different considerations altogether. I say that if the evidences of loyalty



in this case are to be accepted as satisfactory, and if that definition of loyalty which I believe is the only proper one is to obtain, then there are thousands of men who have been wronged, reduced to poverty, utter poverty, in the South, who, "in times that tried men's souls," gave higher evidence of devotion to the Union than has been given by equal thousands who are so ready to denounce them as rebels. It is very well for gentlemen who have never been put to the test, it is very well for gentlemen who have never had their courage tried, very well for gentlemen who have never been where it required courage to defend the right as they believed it, very well for gentlemen who could get up in the North and say they were for the Union and receive the undivided plaudits of every listener, very well for gentlemen of that sort to talk about their devotion to the Union and their loyalty, but I tell them their devotion and loyalty has never been tested.

Sir, I have seen men since I have been in the American Congress who have been, on all occasions, parading their devotion to the Union and using every occasion to denounce southern men as disloyal, who, in my heart I believe, if they had lived in the South, would have rivaled William L. Yancey in their devotion to secession. They have the same temperament, the same disposition, the same character of mind, and they would go on whichever side was popular, whether in the North or in the South, perhaps honestly so. The gentleman to whom I have alluded was honest in his convictions. A gentleman of naturally extreme temperament and extreme ways of thinking will take an extreme position in one climate or the other. The people of this country ought to wake up to the conviction that the late war was an honest war; it was a war based upon honest differences. The people of the South had been taught to believe in what was called the sovereignty of the States, but the first people who talked about secession were the people of New England. The North believed one way, the South believed the other. The North was opposed to slavery, the South was in favor of it; but yet the South did not bring the slaves to this country. It was an honest difference of opinion on the powers of government and the rights of property, and each man who was faithful to his own side ought to command the respect of every man on each side and on both sides. I like courage that is exhibited in defense of honest convictions, whether those convictions be right or wrong. I do not like that courage that is loudest when it is safest. Human courage under all circumstances is a thing for human admiration. We are told in classic verse that the very gods look upon it with favor, and I admit that those gallant men of the North, democrats and republicans alike, who met and slew the Hotspur of secession in the day of his vaunted power and strength were the right royal heirs of a truly regal heroism. But these men who, thirteen years after this Hotspur has been dead, are forever exhibiting their Falstaffian courage by sticking their tongue-swords in the thighs of this dead Hotspur for no purpose but to claim undeserved rewards and honors from a deluded people, are not entitled to the respect of either gods or men. I do not say that anybody is doing it here, but this perpetual talk about loyalty and disloyalty, this perpetual talk about rebels, is all wrong. It does not come from a magnanimous spirit. Magnanimity in victory is a higher virtue than courage in battle. It is of the very essence of Divinity itself. And why cannot the American people, North and South, wake up to realize the fact that four million, or eight million if you choose to call them so, of people in the South honestly differed on questions of political duty and allegiance with a larger number, twenty millions or more, in the North, and unfortunately went to war on the subject? The war is over; the Union is restored; it is time that we should leave the passions of the war where I propose to leave its losses—behind.

But, Mr. President, I have been betrayed into saying a great deal that I did not intend to say. I merely intended to give my reasons briefly why I cannot vote for this or any other like bill. I will proceed to give another reason. To pay some of these bills and not all of them, is not only unjust in fact but unjust in its effects. Those who are not paid and are equally deserving have to be taxed in order to compensate those who are paid. Now, there are tens of thousands of people in the South who lost everything in the war who were devoted to the Union as far as sentiment could make them devoted, and who were faithful to the Union only in obedience to circumstances they could not control and a power they could not resist. They lost everything. Are you to tax them in order to pay my friend from Kentucky? Why, sir, throughout the South there are thousands upon thousands of soldiers who went to the war and who lost everything, lost their arms, lost their legs, lost their health; many of them lost their lives. They can never get anything for their losses; they will never ask anything for their losses. Nobody in this Hall on either side of it would pretend to pay one of those men or their widows and orphans for their losses. The maimed southern soldier will never come here and ask for a pension; his widow and orphans will never ask for a pension. They accept their losses as the penalty of failure, as brave men ought. Am I to tax these people, these wounded and limping soldiers, their destitute widows and orphans in the South, a great many of whom have nothing but their land and many have not that—am I to tax them for the purpose of paying these claimants that come here and say they must be paid because they are loyal and when my loyal friends on the other side will not believe they were loyal at that? It is not right.

The fact of the business is that the war which we have had in

many respects cannot be judged by the rules which have been established for ordinary wars. It was a peculiar war, a war of a sectional character. It was a war between citizens of the same country unfortunately divided by sectional lines. You cannot repair the losses of the war. You could not do it if you were to undertake to do it, and, in my judgment, the sooner our people in the South are taught not to be looking here to Government for the reparation of their losses, the sooner they are taught that the only means by which they can repair their losses is to go to work like honest men and do it by frugality and industry and time, the better it will be for them, the better it will be for the country. The tens of thousands throughout the South who are best entitled to pay viewed from any stand-point, who are the most deserving, who made the greatest sacrifices, who are in the most need, can never get one dollar of compensation, and will never ask one dollar of compensation; and I protest against taxing them to pay a few others who have the ability to come here and worry Congress into granting them compensation. Let the losses of the war go, and if people want to avoid losses by wars in future let them be taught to avoid having wars at all. That is the best way.

I think, sir, all parties ought to take this position. It is a little painful to me to see gentlemen of one party seeking to make political capital out of cases of this kind, and the other side protesting that it is not right. Why not agree to take one common position, that these war losses cannot be paid? The Government is not able to pay them; the Government ought not to pay them, in view of their peculiar character and the circumstances of the war, and the sooner the people are taught that, the better, and let these constant irritations about the payment of war losses cease. As I said, I might make a few exceptions in favor of religious, educational, or charitable institutions, but I should make very few of that sort. Where the property destroyed was of such a character as to be of great public importance and great public benefit, not only to one section of the country, but to all sections of the country, I should think it would be legitimate and proper as a public benefit to pay that kind of loss. There are, I think, perhaps a few cases of that kind, but put them altogether, so far as my knowledge extends, they would not exceed half a million of dollars.

Mr. President, perhaps I ought not to take the time of the Senate, but I will give my idea of the character of these war claims, loyal and disloyal, by an illustration from real incidents. I will give you, first, the character of a claim that will not be paid, and it is a type of many millions. Early in the month of September, 1865, it became necessary for me, in the discharge of a professional engagement, to travel one hundred miles in the immediate track of Sherman's march through Georgia. One day, about two o'clock in the afternoon, I became exceedingly hungry. I said to the youth who was driving the horse: "You must stop at the first favorable opportunity and let me get something to eat." I shall never forget the expression of the young man. "Ah!" says he, "mister, I don't reckon you will find anything you will consider fit to eat in this part of the country; Sherman has been along here." "Well," I said, "but the people in this part of the country live on something, do they not?" "Oh, yes, but I don't hardly know how it is they live; they seem to live, though." "Well," I said, "I can live one day on what they live on constantly, I am pretty sure, and therefore we will stop at the most favorable chance apparent." It was not long before we came to a very good-looking frame dwelling, two stories high, a dwelling of a character very well known in the South, containing six rooms, well built, and indicating in former times a country family well-to-do in the world. The fencing was all gone. The chimneys were standing on the outside, showing that the outhouses had been burned, but there stood the main dwelling; and I said to the young man: "Stop here, and I will see if I can get something to eat;" and I went in. I was met at the door by a very excellent looking lady, modest, but evidently refined and educated, as she turned out to be—a country lady of great hospitality, but with evidence of poverty all around her, and she looked prematurely old. She said to me when I made known my purpose of stopping, "Why, my dear sir, I would be glad to give you anything that I could, but I have nothing that you will have I suppose, nothing that I feel inclined to offer you." "Anything that you have," I said, "will suit me, because I am exceedingly hungry." She said, "I can prepare for you nothing but some potatoes and some eggs, but I have nothing in which to cook the potatoes except the embers; we are in the habit of roasting them in the ashes. I have nothing in which to cook the eggs except the ashes or a broken skillet. I have not a whole piece of furniture or a whole kitchen implement on the premises; everything is broken." She handed me a seat. Said she: "I have handed you the best seat I have, and the back of that is broken as you see." "Why is all this?" "Why," she said, "Sherman's army passed along here and did all this." Well, I told her that I would take the potatoes and eggs, and she put them in the ashes accordingly, and while they were roasting I said to her: "Will you please give me an account of your experience and trials when Sherman's army passed along here?" She said she would. I cannot give it all to the Senate, but certainly it was one of the most interesting narratives I ever listened to in my life.

The lady was one who had married about eight years before the war began. She was well raised and graduated at a female college in Georgia. She and her husband settled that place and built that house; they had about one thousand acres of land, thirty slaves, and



all needed personalty, and were entirely out of debt, and perfectly happy. They had had three children born to them, the oldest at the time of my visit being only twelve years old.

Mr. BECK. Mr. President, I desire to ask whether Warren Mitchell got any of that woman's eggs and potatoes or not. We are trying his case now, not hers.

Mr. HILL. I will come to Warren Mitchell's case. I will show you how it applies to Warren Mitchell's case, but I shall do it in my own way.

It turned out that her husband went into the confederate army and lost his life in one of the battles in Virginia. His remains were brought home and buried in sight of where we were sitting. About a year after her husband was killed in Virginia in the confederate army, Sherman's army passed through Georgia, and all her slaves except one, her cook, called Aunt Millie, left. This Aunt Millie was raised with this lady, and had nursed her in her infancy and was given to her by her father; and she said she would never leave her under any circumstances, and she remained with her. But to make a long story short, everything they had was taken. All the stock, all the provisions were taken away. Everything that could not be carried away was killed or broken or burned, except one cow, two banks of potatoes, and one small crib of corn. The cow was saved by Aunt Millie claiming it as her own, which she did for the purpose of saving it. The corn-crib was saved in this way: the lady sat in her house with her three children and saw everything being burned; seeing the torch about to be applied to the last corn-crib she summoned courage and went out with her babe in her arms and her two little children by her side and said to the officer who seemed to have charge of the sport: "Sir, have you a family at home?" The officer said he had a wife and two children. "What would you think," said she, "if a southern army should pass through your country and take the last mouthful of bread your wife and children had?" The officer was a man. He lifted his hat most gallantly and then said to his squad, "Don't fire that crib," and said to the squad in the garden, "Don't disturb further those potatoes," and that is the way the lady saved the crib of corn and banks of potatoes. In the mean time the squad had gone into the house, pulled down all the pictures, defaced the walls, broke all the furniture, broke everything she had in the shape of kitchen utensils, and carried off all her silver-ware and cutlery. The last she saw they were pulling the covering from the grave of her husband, and supposing they were going to take his body off she fainted away. But Aunt Millie stopped them by telling them "for God's sake not to make war on the dead," and they left. This is a literal fact. That woman had raised a patch of one acre of potatoes and one small field of corn, working with her own hands and aided by this good woman Aunt Millie, and her three little children, and they had lived on that scant allowance from the time Sherman's army passed by until I met her.

Now, that woman will never come here to have her losses repaired; she will never come here with a claim before Congress and ask for compensation. And now I will give you another claim. A few weeks after I took my seat as a member of the other House in the Forty-fourth Congress I received a card one day by a messenger who said that a lady desired to see me in the Speaker's reception room. I went in. She was exceedingly well dressed. She had velvet and diamonds and laces all over her, and the first speech she made to me was to express the great gratification of all Georgians that I had been elected to Congress, "for now," she said, "all Georgians will get their rights." She soon made known the *animus* of that speech, for in the next sentence she said she had a claim before Congress which she desired me to support, and she knew I would support it because she was a Georgia lady, born and raised in Georgia, and she knew I would support her claim. "Well, who are you? If you were born and raised in Georgia and had losses in Georgia, why are you here in the condition I see you?" "Oh," she said, "when Sherman's army passed through Georgia they destroyed my property, but," she added, "I married one of the Federal officers [laughter] and came North."

Mr. HOAR. She took her revenge in that way. [Laughter.]

Mr. HILL. Yes, sir. She married a Federal officer. The first woman I mentioned lost her husband in the confederate army, and therefore is disloyal. The second woman married an officer in the Union Army and therefore is loyal! Well, her statement was true because she produced a very complimentary and flattering letter from General Sherman. Evidently the letter was genuine and not dictated by a woman. But I will say in justice to General Sherman that I am satisfied he gave that letter more on account of the woman's husband, who was a Federal officer, than on account of her claim. I assume and believe he did.

But I asked this lady "what is your claim for?" "Why," she said, "for personal property destroyed by Sherman's army." "How much is your claim for?" "Eight hundred thousand dollars," she said, whereupon I became bewildered. Eight hundred thousand dollars of personal property of one person destroyed by the war! Yes, she said, it was well proven, proven by the very officers and men who destroyed it, who set fire to it, and she named quite a number of republicans in the House who she said had promised to vote for her bill; but they had told her it was very important for her to get a democrat, and best of all a southern democrat, to introduce it. Therefore she came to me as a democrat and a southern democrat from her own State—her dear Georgia—to introduce her bill. She said the

republicans assured her that if she would get a little re-enforcement from the South and from the democratic party her bill would certainly become a law. I said to the lady, "It will be very difficult to make me believe that the whole country ever at one time had eight hundred thousand dollars' worth of personal property." But she said "It is all proven, it is all right, and the republicans are ready to vote for it." I do not say they were; I can only tell you what the woman said, and as she is loyal you ought to accept her as a good witness. [Laughter.]

Seeing that her entreaties could do no good, she finally said to me that I had to vote for her bill; that she had a great many friends among the newspaper men, and she sometimes wrote for the newspapers herself; and, looking at me with all the air of command and of one having authority, she said "Mr. HILL, if you don't vote for my bill you will never go to the Senate." Thereupon, I made the lady a bow, gave her a flat refusal to have anything to do with her or her bill, and left.

Those are specimens of the character of what you call southern claims. This first claim will never come here; the second and cases like it will always be here; and I saw this same claim of \$800,000 for the woman who became loyal by marriage and for whom republicans were ready to vote—I saw the same claim paraded through the northern press in the campaign of 1876 as evidence that if the southern democrats ever did get here in power and the democratic party had the majority, they would take everything there was in the Treasury. Now, should I vote to tax that woman who fed me on the eggs and potatoes to pay this woman in velvet, laces, and diamonds? But this claim, says my friend from Kentucky, is not Mitchell's claim. What is Mitchell's claim, to come to the honest truth of it? I have not an unkind feeling for Mr. Mitchell; I admit he is a good man; but does not everybody in the Senate know that it is a speculative claim? Is it not a mere speculative claim? The woman I spoke of in Georgia lost her living, the living of herself and her little children, and she does not come here to ask you for a dollar. Here is a gentleman, a good gentleman, who went by permission of the military authorities into the South during the war and bought a large amount of cotton by which he hoped to realize a fortune, as you all know. He took the chances of war in his speculation, and the chances were against him. Shall we tax that woman who fed me on the eggs and potatoes and tax the little land that she and her children are working for the purpose of paying these speculative losses of Mr. Mitchell? Would it be right? Would it be just? I will not do it.

All over the South there are hundreds and thousands of people, limping, weak, poor, impoverished by the war, laboring as best they can for a bare sustenance, asking Congress for nothing, not looking to the Government for compensation for their losses, and here and there is some man who has lost something, who has lost some property, or failed to make what he hoped for in some speculative venture, coming here and asking Congress to pay his losses, and that we shall tax these poor people to pay his losses. I for one shall not do it. I am against these bills, therefore, upon principle. I do not need any constitutional amendment to make me vote against them. There will be a great many hard cases, I concede. War is nothing but an ordeal of hard cases. I do not know anything produced by war except hard cases. You cannot repair all those hard cases. Mr. Mitchell has a hard case, but his case is not harder than thousands of others who lost like property or other property, and who were just as loyal as he was. You cannot repair these losses. Let it go forth, therefore, that we take the position distinctly and emphatically that this talk of paying southern war claims must end. Teach it to our people and teach it to all the people, and let all this political excitement on the subject end.

Mr. President, I am the humblest man in the democratic party. That party, after eighteen years of absence, I trust and believe, is about to return full-fledged to power. I think it will have possession of every department of this Government. It certainly will have it if we convince the people North and South that we deserve to have it; for evidently the people are well satisfied that the republican party does not deserve to be continued in power, and the only question with the people is whether the democratic party does deserve to be intrusted with power. If I had control of the party, as I have not, and shall never have, if my voice were worth anything, there are four things I would have the democratic party to proclaim to the world in most convincing terms and adhere to with unflinching fidelity. I would have the party to say:

1. We will not pay war losses, loyal or disloyal, unless we make a few exceptions of religious, educational, and charitable institutions, and very few of these.
  2. We will vote no more of the public money and no more of the public credit, and no more of the public lands to build up or enrich mammoth monopolies in the shape of railroad corporations.
  3. We will in good faith pay every dollar of the public debt, principal and interest, in good money of the standard value.
  4. We will restore the Constitution to the country and honesty and economy to its administration, confining the General Government to its limited, delegated sovereign powers to promote the general welfare, and leaving the States unmolested in the exercise of their reserved sovereign powers to promote the local welfare of the people.
- Do these four things, and, in my judgment, the child is not born who will witness the termination of democratic administration in this



country, and the tongue has not been gifted with language that can express the prosperity which will follow to all our people in every section of our country.

Mr. McMILLAN. Mr. President, the Senator from Georgia [Mr. HILL] has traveled over a great deal of ground this morning, but I am unable to see its application to the case now before the Senate. It seems to me the inquiry of the Senator from Kentucky [Mr. BECK] was very appropriate. The Senator from Georgia has great difficulty in defining what is loyalty to the Government. It seems to me the Senator must have forgotten some of the early lessons of this country and some of the teachings of the patriots of the country. I can refer him to a definition which will tell him what loyalty is; it is one that is familiar in this country, and one which, if the Senator and his compatriots had remembered when they attempted to destroy the Government, would have prevented that attempt:

Our country! \* \* \* may she always be in the right; but our country, right or wrong.

If the Senator has so much difficulty in defining what is loyalty, if that is the condition of the members of the party to which he belongs, it will be a sad day for this country when the people come to the conclusion, as he says they have, that the republican party should not be intrusted with the powers of this Government, but that it should be transferred to the party to which the Senator belongs.

Mr. President, this claim is a claim depending upon its own facts, and the Senate will not be misled in regard to it. The Senators on the other side of the Chamber do not at all agree with the Senator who has just taken his seat in believing that no war claims should be paid. There are Senators there who do believe that war claims should be paid, and there are those who believe that this claim should be paid, war claim or not. This claim must depend upon its own facts, and whatever may be Mr. Mitchell's character as a citizen, whatever may be his honesty, his integrity in regard to his private life and transactions, in his conduct during the war he rendered aid and service to the confederate government. In doing that he acquired this cotton which was seized by the general of the Union Army and confiscated and sold. Mr. Mitchell remained there during the whole war, and not only purchased and traded there, but, as the Senator from Kentucky [Mr. McCREERY] himself says, engaged in supplying that army with provisions to maintain the confederate forces.

That is the condition in which he presents himself here claiming to be a loyal man, and, under the definition of the Senator from Georgia, he says he may be loyal or disloyal. I can come to but one conclusion from the facts in this case: that is, that he was disloyal during the war as is shown by all his acts and conduct during that time, whatever his professions may be now.

Mr. BECK. Mr. President, I had determined not to say a word on this subject, because I supposed other gentlemen would exhaust the subject, which is in a nutshell. I hope that at least one other Senator, [Mr. JONES, of Florida,] who was on the committee in the last Congress, will be heard; but I confess I am amazed at the stump speeches that have been made on this floor about national politics both by the Senator from Georgia and the Senator from Minnesota, both of whom being on the same side and voting against this bill might, I think, have reserved their opinions on great national politics till they found some occasion where they differed, instead of making a private claim the occasion of so much gush. Warren Mitchell either has an equitable right to this money he asks for or he has not; and, while I know that there are many so-called loyal war claims that I will oppose as earnestly as the Senator from Georgia or anybody else, if any citizen of any State presents as fair a claim as Warren Mitchell seems to me to do, I will vote to pay it to him whether he was loyal or disloyal.

The facts in this case are few and simple. Warren Mitchell, a citizen of Kentucky, who whether the Federal authorities had power to give him the right to go South or not believed they had, and they believed so, went there by authority of the commanding officer at Louisville, Kentucky, and had in his possession at the close of the war, in Savannah, Georgia, as his private property, a large amount of cotton, which, together with other cotton, was seized by the authorities of the United States. Out of the proceeds of this cotton—after paying all expenses, commissions, and fees to those who acted as agents of the Treasury, and they took nearly half of it—a large amount, some \$128,000, is now in the United States Treasury, deposited there as the proceeds of the cotton of Warren Mitchell, not, as the Senator from Georgia suggests, money that his poor people have been taxed to furnish. If recovery is had, it is not to be had out of money levied or collected by taxation from the people, but simply a fund in the Treasury of the United States, the proceeds of the sale of property that belonged to Mr. Warren Mitchell, now held in the Treasury of the United States subject to the rights of the owner, if there is any right in any owner, and it is for Congress to determine whether there is or not. It is admitted on all hands, admitted by the Senator from Minnesota, that if the property then seized by the United States authorities had been the property of the Senator from Georgia, [Mr. HILL,] or the property of Mr. Jefferson Davis, or of any other official from brigadier-general up or down in the confederate service, he would have recovered it and would have the money in his pocket to-day, and many of them have recovered it for property seized at the same time and taken under the same circumstances; men who were high officials, brigadier and major-generals in the army

of the confederacy during all the war, have made their demands on the Treasury and claimed it and had it allowed to them.

Mr. VOORHEES. And they got it by a vote of both republicans and democrats.

Mr. BECK. Yes; and they got it by a vote of the republican and democratic parties both, and by decisions of the Supreme Court of the United States. Now when an honest man who took no part in the war—to state his case in the worst aspect of it, did nothing except that he was inside their lines trying to collect the debts justly due him, and labored with his hands to make a living in order to keep from starvation, when there was nothing else to do—comes to demand his money, he cannot get it, and great indignation is raised by men who fought all through the war, as the Senator from Georgia I suppose did; when he and all the men who fought with him have received their money, Mr. Mitchell cannot get his, and they say it is an outrage for him to ask for it.

Mr. HILL. Will the Senator from Kentucky allow me?

Mr. BECK. I do not know whether the Senator from Georgia got any money out of the Treasury.

Mr. HILL. I never asked the Government to pay me anything, and I do not know anybody in the South in my condition who ever did ask it.

Mr. BECK. The Senator from Georgia has only to read the decisions of the Supreme Court of the United States in the case of Padelford, in the case of Pargoud, in the case of Armstrong, in the case of Klein, and in dozens of other cases, to find that millions of dollars have been paid to men in the South under circumstances exactly like those which surrounded him whose cotton was taken by the Federal authorities. The decisions of the Supreme Court in 9 Wallace, in 13 Wallace, and 21 Wallace, in 1 Otto, and in dozens of other cases—indeed, the reports are full of just such cases as those to which I allude, where the money was paid to confederate generals and high officials for cotton taken just as Mr. Mitchell's was. Let me read the reply of the Senator from Minnesota [Mr. McMILLAN] when the Senator from Tennessee [Mr. HARRIS] asked him a question.

Mr. HILL. I do not want to interrupt the Senator from Kentucky, but I will state to him that I have not recently looked at the cases he refers to. My recollection, however, is that in the cases he refers to the decisions of the Supreme Court were put on the ground that the claimants were pardoned before their property was seized.

Mr. JONES, of Florida. So was Mr. Mitchell pardoned.

Mr. BECK. Yes, sir; he too has a pardon, which wipes out his offenses.

Mr. HILL. Before his cotton was seized? Did Mr. Mitchell get an amnesty before his cotton was condemned as contraband of war?

Mr. JONES, of Florida. That could not well be.

Mr. BECK. The decision of the court was that the pardon of any one pardoned related back in all cases.

Mr. HILL. They did not state it justifiably, but they stated the exact fact and put it on that peculiar ground.

Mr. BECK. The fact is as I have stated it.

The Senator from Tennessee [Mr. HARRIS] put a question to the Senator from Minnesota [Mr. McMILLAN] when the bill was before the Senate last Thursday. Said Senator HARRIS:

Where is the legal title to that cotton or to the proceeds?

Mr. McMILLAN. It is not in Warren Mitchell.

Mr. HARRIS. Will the Senator be kind enough to tell me where it is?

Mr. McMILLAN. The Government of the United States has seized that property as a prize of war. Mr. Mitchell not only has no title to it technically, but he has no title to it under any view of the case you can take.

Mr. BOOTH. Will the Senator allow me to ask him a question for my own enlightenment?

Mr. McMILLAN. Certainly.

Mr. BOOTH. Would this cotton have been liable to seizure and confiscation if it still remained in the hands of Mitchell's vendors?

Mr. McMILLAN. No, sir; because his vendors were engaged in supporting the rebellion; they were citizens of the confederacy. That is the difference between his vendors and himself. They were doing acts which we recognized as being proper on their part to their own government.

That admits the whole case. Can the equity of an active confederate be greater than that of a private citizen of an adhering State?

The Senator from Minnesota stands up here and tells us that every one of those men who fought in the confederacy was doing acts proper to their own government, and therefore would under these circumstances be entitled to the proceeds of his property, and ought to have it, as the Supreme Court said they ought, and then he raises the cry that fraud is being perpetrated when a man like Warren Mitchell, seventy-odd years of age, who spent his fortune in paying the men he owed in Louisville and Cincinnati, many of whom were loyal and fought through the war on the Federal side, asks the same rights Mr. Davis would, as he admits, be entitled to. It is a horrible outrage, says the Senator, for him to come and ask it. He was in the possession of that property. All the decisions of the Supreme Court in the case of Klein and others show that seizure by the military does not divest the title of the man from whom it is seized; it does not work confiscation of the property; but it is held by the United States as a trustee for the man who is the owner of it. Klein having shown that he was the owner, they gave it to him. The Supreme Court said that seizures only reach to captures on the high seas, to abandoned property, the property of belligerent enemies used for the purpose of war, and that the property of a private citizen did not belong to the Government by reason of the Government taking it into its possession.



Warren Mitchell had that cotton in his possession. It was taken from him by a wrong-doer, as the court say. The Government had no right to take it. Although its proceeds are in the Treasury, they are there to his credit. The money never reached the Treasury by the taxation of a human being. No person ever paid a dollar of taxes to place that money there. The Government holds it, I repeat, as a trustee. The United States can only keep it from him by reason of the trespass committed on him; and no matter what his title is, it is a better title than the title of any trespasser. Even if there was illegality or wrong in the original contract and he had no right to buy cotton from the people of the South, yet, having bought it and having it in his possession, that possession gives him a better title than anybody else who has no title except that acquired by wrongful seizure. Although the courts may hold that the contract was illegal, yet the law will never interfere to take it away from him and vest title in a trespasser. To illustrate: I have a copy of the Revised Statutes of the United States in my hand. I claim it as mine. Does the Senator from Minnesota think that he could take that book out of my hand and claim it as his and deposit it in a court or in the Treasury or anywhere else and then with any plausibility argue the question that I have not a title to the book, that I got it wrongfully from Mr. HILL? It is none of his business where I got it. My title is better than his; he has no right to inquire into my title, and had no right to deprive me of my possessory title.

Mr. McMILLAN. Mr. President—

Mr. BECK. I ask the Senator to wait until I get through with my illustration and then I will answer any question that is pertinent. I repeat, I am in possession of the book. I am claiming it as mine. The Senator from Minnesota takes it, and it is proven that he has no right to it; that he had no right to take it. When I ask to have it restored he has no right even to raise the question of how I got it. My possession protected me. When Warren Mitchell had that cotton the United States acquired no title by the seizure; and when the money is in the Treasury, as it is now, subject to the right of the owner, the United States has no right to raise the question as to how he got it or with whom he traded or whether he was loyal or disloyal. We had no right, even while at war, to go and take the property, the beds, the moneys, the tables, or the dishes of the people of Savannah because the Federal forces captured that city. Here are the terms on which civilized war is carried on, and every man in the Senate and all except two in the House voted for the following resolution, when Mr. Crittenden, of Kentucky, moved it, on the 22d of July, 1861:

*Resolved, &c., That the present deplorable civil war has been forced upon the country by the disunionists of the Southern States now in revolt against the constitutional government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States; but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.*

That was the spirit in which we *professed* to be carrying on the war. Here was a citizen of the United States, not a belligerent, with property belonging to him. The Government took his property. The Supreme Court decided that they had no right to take it, but decided that there was no law authorizing him to sue the United States. If it had been taken from Mr. Davis, or Mr. STEPHENS, or Mr. HILL, or any of the gentlemen from the South whom I see around me now, they could have sued and recovered it back, as many similarly situated did; and yet this Congress is to be told that when Mr. Mitchell had been deprived of property rightfully in his possession, which was wrongfully taken from him, which any confederate could have recovered, the United States has a good title to it, and that it is a fraud and an outrage to say that he ought to come to the Congress of the United States and ask the representatives of the people to put him in the same position in which Mr. Davis or Mr. HILL or any one else of the leading confederates has been placed.

It is said that in the country from which I and my ancestors came a celebrated man by the name of "Rob Roy" laid down the law to be—

That they should take who have the power,  
And they should keep who can.

That is the law of the Senator from Minnesota and the Senator from Georgia, and all those who are maintaining that this money should be retained in the Treasury. You have got it; you have the power to hold it; it never was yours; it was taken wrongfully, but you are going to apply to the payment of taxes what never was derived by taxation from the people, an honest man's money that could not have been held by you if he had been engaged in red-handed rebellion, as many of you choose to call it; and not only that, but you rise and deliver tirades of abuse against the reputation of a peaceable citizen admitted to be honest, and to show how patriotic you are hold up your hands and say, "oh no! equity ought to close its doors against such a claim as this; no man can deny that the decisions of the Supreme Court are in our favor; on all the principles of justice and equity the right is in our favor, and the possession was unquestionably ours; that is all any legislator can properly inquire into." Mr. Mitchell was wrongfully deprived of it; the money is held, as it were, in chancery, to be interpleaded for, and who has a better title? If you can keep Mitchell's money, then you could have taken all the

money, all the beds, all the clothing, and everything that the people in Savannah had in spite of the resolution I have read, which was passed when the war began, that we were fighting only to restore peace and proposed to fight only with the armies in the field.

The Supreme Court, if you would give it jurisdiction, would unanimously sustain this claim; the facts are with us; the equity of the case is in favor of Mr. Mitchell, and as he was a citizen of my State I could not sit by, although I had not intended to say a word, when I heard such abuse heaped upon him all around and his claim sneered at in the way it was, without stating the facts as the record shows them to be.

I am asked a question by the Senator from North Carolina, [Mr. MERRIMON:] what does the Supreme Court say about the case? In 21 Wallace, which I hold in my hand, which the Senator from North Carolina [Mr. MERRIMON] will, I hope, look at, the decision is simply that being a citizen of the State of Kentucky and not a citizen of one of the Confederate States he could not sue in that court; his domicile being in a loyal State, and the cotton being obtained by him and seized in another State, and having had business transactions there he had no standing in court. Not one word is said in that case against the merit of his claim. On the contrary, the court admits that if he had been a citizen of a disloyal State, if he had been in fact himself the commander-in-chief of the armies of the confederacy, residing in Georgia, the Government would have been compelled to pay him the money. There is nothing against him in the decision in 21 Wallace except the single fact of his residence.

This Congress cannot in my judgment afford to stand and resist his claim on that ground. I know that there are men who want the Treasury to take everything. There are gentlemen at the other end of the Capitol and here also I expect who want us to take England's money received from the Geneva award and place it in the Treasury, to take all we can, and hold all we can get. I would rather sink Warren Mitchell's money and all the money obtained at Geneva in the bottom of the ocean than disgrace the United States by holding money thus obtained and thus wrongfully held in the Treasury of the United States, when the Government would have paid it out to any of the confederate generals or to the president of the southern confederacy and yet holds it because the claimant was a citizen of a loyal State himself, an honest and a loyal man, and therefore he had not a status in the courts. It is guilty of a most disgraceful act if it does. This Congress would say by the rejection of this claim, "We will keep the money because we have got it, and you have not the power to take it away from us."

If it was not Warren Mitchell's cotton, it was the cotton of the man from whom he bought it. Suppose he had bought it from Mr. HILL. Mr. HILL could have gone into the courts and recovered it all. Suppose he had bought it from Mr. Davis or Mr. STEPHENS, or any of the high functionaries of the confederacy, they could have said that Mr. Mitchell did not vest himself with the title because the transaction was illegal, and they could have shown that fact and recovered it and have the money in their pockets now. That would be just and equitable, I suppose, even if Mr. Mitchell had paid them for it. But this Congress is asked to say, because it was taken wrongfully from a citizen of Kentucky, while it could not have been taken wrongfully from any of those high confederates, you will not give him a hearing, and will drive him forth in disgrace and poverty because you can make pretense that he is not a loyal claimant.

I am as much opposed to those so-called loyal claims as anybody here. I agree with the Senator from Georgia in that, at least; but I am not going to vote for this claim because this claimant was loyal or disloyal; that question is not worthy of consideration. I will vote for it because it is his, and not ours. There are high officers of the Federal Government who are now habitually making affidavits as to the loyalty of men whom they themselves imprisoned for disloyalty, because they can now share the profits of their claims; but Mitchell's is not a case of that sort. He is here representing himself, and telling the truth. Those men in the South owed him. He obtained the cotton, and it was wrongfully taken from him. He has paid \$150,000 of debts to men in Louisville and Cincinnati, indeed all over the country, and he is almost a bankrupt at seventy years of age, and the Treasury is holding the money that he tried so hard to get to indemnify him, and honorable Senators propose to keep it. Yet nothing is proved against him except that, in order to make a living during the time he had to stay there, as he had to do some sort of work or starve, he did work that injured perhaps to the benefit of the Confederate States, when there was nothing else in the country that he could do. That is the whole case. You can vote it down if you desire; it will not be a record the men who do so will be proud of.

Mr. MORGAN. Mr. President, I intimated before this case was taken up for consideration that I intended to cast my vote against this bill; I expected to do so silently and without argumentation, standing upon the facts and upon the doctrine stated in the report of the majority of the committee. I still adhere to my opinions. I have not felt myself dislodged from those convictions by any remarks that have fallen from any Senator on this floor either in reference to the question of justice or of the injustice on the part of the United States, or in reference to any supposed influence that such a vote may have on the status or future prospects of political parties. So far as Mr. Mitchell personally is concerned I have for him great respect, and I may add that the people of Alabama have also for him great respect,



having for a series of years enjoyed commercial intercourse with him, and having received from him favors of which we are not forgetful.

I suppose that no case will ever come before the Senate in which I shall follow the convictions of my own mind with more reluctance than I shall in this case, for I not only prize the character of this gentleman, but I sympathize with and commiserate his misfortunes. But, sir, this is a question that ought to be considered by the Senate of the United States with reference to principle. It is not a question whether Mr. Mitchell is seventy years old, and infirm, and poor, but the question is whether or not we shall commit ourselves to a certain doctrine which overturns the judicial decisions of the highest tribunal of the United States. Upon all questions that come within the range of the jurisdiction of that august body, it is a fixed principle, I may say, with me, to follow its decisions so long as they are consistent at all with common sense and with my views of the Constitution, and upon all debatable propositions I yield my judgment to that of the Supreme Court of the United States.

The Government of the United States, after the war had ceased, made what I conceive to be a liberal and generous provision of law, by which persons who felt themselves aggrieved by seizures made during the war might come into a court constituted by Congress for the purpose of presenting their claims to the consideration of that court, giving also a right of appeal to the defeated party, whether the United States or the plaintiff in the action, to the Supreme Court of the United States, and fixing the right of claimants to the indemnity upon the same basis that the rights of individuals were before fixed in litigations between each other. After having provided a court of that sort, after having provided an appeal from that court to the Supreme Court of the United States, the question is whether Congress ought to fly in the face of a decision of the Supreme Court of the United States and in a fit of generosity, which may be excited either by political affiliation or by sympathy for the personal misfortunes of any man, undertake to overturn that decision, go counter to it, and vote an appropriation of money in favor of an individual who the Supreme Court has decided is not entitled to any compensation whatever.

Although when Mr. Mitchell came to Alabama he may have come for the purpose of collecting debts, in order that out of the proceeds of those collections he might pay debts that he owed to northern creditors, he came really in violation of the laws of the country. It was found to be necessary in the late war, as it has been found to be necessary in all wars, that rules of non-intercourse should be established either by congressional action or by presidential proclamation, the President being the chief commander of the Army and Navy, which should prohibit the citizens of the different belligerent localities from carrying on a commercial intercourse with each other. Mr. Mitchell came to the Southern States in violation of these rules of non-intercourse, and, while thus violating a law of the United States essential for the prosecution of the war itself, he acquired or supposed that he had acquired a title to certain property in the South, cotton, which I must say he acquired in part by purchase and in part by speculation. At all events he acquired that which was considered in the States that he visited a title as against all other individuals to this particular cotton. He concentrated it at the port of Savannah, with a view to its speedy shipment after the war might close to some port for sale. During the war, while belligerent hostilities were prevailing, while the war was flagrant in the country, General Sherman, in an attack that he made on the city of Savannah, captured this property along with a great deal of other property in that city. General Sherman, if the rules of war that prevailed between civilized countries had been afterward carried into execution between the United States and the Confederate States, might have transferred every dollar of the property that he captured in Savannah to the United States Treasury, and no man in the South under the public laws of war between separate and distinct nations could have claimed that he had an individual right or any right whatsoever to the cotton thus captured or its proceeds.

But the Government of the United States afterward made an exception in favor of those men whose private property had been taken, and gave to those men who could prove their title to their private property the right to go into the Court of Claims and there assert that right as against the Government, and to pursue that right so as to reclaim from the Government the amount of money which was the proceeds of cotton that might actually have found its way into the Treasury of the United States. This was an act of grace on the part of the Government. It was an act that the Government of the United States were not under public law compelled to do; and I will not be found on the floor of the Senate flying in the face of a law which I consider at once liberal and generous and, I must say also, just.

Mr. Warren Mitchell, availing himself of this law, went into the courts of the United States; he preferred his claim there, in what capacity? As the owner of these bales of cotton. He could not have come as a suitor against the Government of the United States in any other capacity than that of the owner of these bales of cotton. The question that the Government of the United States permitted him to argue in its tribunals was not one of naked equity; it was not one purely of conscience; but it was a question of legal right; and when he came to the threshold of that court and presented his demand he had to come with a legal right or else he came with no right at all.

When Warren Mitchell went into the Court of Claims, as I insist

he went there, for the purpose of having the question decided by that tribunal whether he was the owner of this cotton, it was decided adversely to him by a divided court. That case was appealed to the Supreme Court of the United States, and upon full consideration of all the evidence that he was able to produce in affirmance of his title, it was decided that he was not the owner of this cotton. Now, then, we can ask for no higher adjudication, no more solemn judgment on the claim of Warren Mitchell than that which has been pronounced by the Supreme Court of the United States which excludes him from the ownership of this cotton because of his having violated the laws of the United States in obtaining possession of it in the Confederate States. The proposition is that whereas he was a citizen of the State of Kentucky, domiciled therein, and had no right to go into the enemy country for the purpose of traffic with the citizens of that country without the permission of a certain authority of the Government, he had not obtained that authority, he went contrary to law, and in every act that he performed while in the State of Alabama he violated the laws of the United States.

Now, sir, it makes no difference how strongly my sympathies might move me in the direction of recompensing the losses he may have met, I cannot find that it is my duty as a Senator, or indeed my right as a Senator, to give him out of the Treasury of the United States money arising from the proceeds of the sale of property which did not belong to him. The question is asked here "to whom did it belong?" If you will consult the act of Congress in reference to captured and abandoned property, you will see at once to whom it belonged, because the Government of the United States took jurisdiction of the disposal of all property left in the precise condition that this was and converted it into property, the proceeds of which should be paid into the Treasury of the United States. When the money thus realized got there, it got there legitimately for all public purposes, and it is not for us now to discuss whether Warren Mitchell might have from conscientious or moral duress obtained the title of the vendors of the cotton or some of them. The laws of the country have said the proceeds of this cotton have rightfully gone into the Treasury of the United States. If we take them out and pay them to Warren Mitchell, we pay them contrary to those laws.

Mr. MITCHELL. May I ask the Senator a question?

Mr. MORGAN. Yes.

Mr. MITCHELL. I desire to ask the Senator from Alabama whether if upon all the facts presented by this case the claimant, instead of being a loyal citizen residing in the State of Kentucky, had been a disloyal citizen residing in the State of Alabama, he would vote to pay this claim under his views of public law and the decisions of the Supreme Court?

Mr. MORGAN. If I had been on the Court of Claims, and the case had come there for judicial decision, not barred by the statute of limitations, I think it is very likely I would have decided that he was entitled to the cotton, if he had been pardoned and was also a citizen of Alabama, because his title to the property in that instance would not have been acquired by a violation of the laws of the United States.

Mr. MITCHELL. Then I understand the Senator from Alabama to hold and to declare to the Senate and the country that if he had been a member of the Court of Claims or a member of the Supreme Court of the United States, and this case had come before either of those courts of which he might have been a member, upon precisely the same facts as are presented by this case, with the exception that the claimant had been a rebel and a resident of a disloyal State, he would have voted to pay the claim under his views of public law.

Mr. MORGAN. I do not know whether the Senator from Oregon has ever been president of a Sunday-school or not; but he certainly is a master of catechism.

Mr. MITCHELL. I have put a very simple question.

Mr. MORGAN. I do not propose to answer every question that may arise in the mind of the Senator from Oregon. It is sufficient for me to answer those questions which arise on the record of the case. I will say to him, however, that if I had had the good fortune to have been on the Court of Claims, or even the Supreme Court of the United States, and a man who had been pardoned, though he had been a rebel, had found his cotton taken without authority of law and converted into the Treasury of the United States, I should have been compelled, under the laws of the United States, to vote to give him the proceeds of that cotton unless in the acquisition of the title to that property he had violated some law of the United States, which a rebel would not have done.

Mr. MITCHELL. Now, if I do not interrupt the Senator, the only reason, as I understand him, why the Senator would not as a member of either of those courts or as a member of Congress vote to pay this claim is because the claimant at the time the transaction occurred was a loyal man, a citizen of a loyal State, and was not a disloyal man and a citizen of a disloyal State.

Mr. MORGAN. The reason in that case would have been that the man who was thus situated would not have violated the laws of the United States in an endeavor to acquire a title to this property. If the Senator cannot understand that distinction, he will excuse me from undertaking to educate him on this subject.

Mr. MITCHELL. I am willing to receive all the light my friend from Alabama can give me on the subject. I do not profess to be as wise as my friend from Alabama.

Mr. MORGAN. The reason why he was not entitled to the ownership of this cotton is that a law of the United States had prohibited him, being a citizen of Kentucky, from going down South and trafficking with our people for the acquisition of the property. That legal infirmity was in his title, which he could not overcome, and from which to-day we have no right to excuse him. That dispenses with all inquiry really in reference to his loyalty or disloyalty. Mr. Mitchell stands here to-day as a man against whom it has been decided by the Supreme Court that he is making claim to money the result of sales of cotton which did not belong to him under the laws of the country. Therefore his appeal comes to us in the nature of a petition for a charity, a benefaction to be conferred by Congress. When he comes upon that ground I have great personal sympathy for him, and, as I have remarked, I have great respect for him. At the same time I do not suppose that his loyalty is of that supreme and immaculate character that would justify us in taking \$110,000 out of the Treasury for the mere purpose of rewarding that sentiment of his mind, which I must say was not very fully portrayed in the actions and conduct of his life during the period of the rebellion.

I do not profess to be a perfect judge of that description and quality of loyalty which entitles a man to come to the Congress of the United States and demand some recompense at our hands as a reward for that loyalty under which he asserts no positive legal title. On that subject I am disposed to defer to those gentlemen who have better ideas and views of what constituted loyalty to the Government of the United States than I have been able to form or than I possess. I can only say this: if the Confederate States had succeeded in their effort at emancipation from the Union and had succeeded in the establishment of an independent government, and this cotton had been destroyed by the same means or taken by the same means that the cotton was taken by the capture of Savannah, I never should have found it in my heart as one of the confederate soldiers or confederate law-makers to have denied Mr. Mitchell compensation upon the ground of his disloyalty to the confederacy, for, though gentlemen may think he was entirely loyal to the Union, I believe that he was loyal to the confederacy as a man could be whose home was in a non-belligerent or rather in a loyal State. I mean by that loyalty evinced by sympathy and sentiment, and I might add loyalty as evinced by conduct while he was within our lines during the whole period of the war and which enabled him to participate in the benefit of contracts for furnishing supplies to the confederate army.

When we propose to reward loyalty I want to reward the pure article. I do not want to reward any article of loyalty that seems to be in the least degree under suspicion; and I am determined in my conduct in the Senate, when men come from the South, or from the North either, claiming the rewards of their loyalty, that they shall prove it to a demonstration before I will undertake to reward them on that account. I am not satisfied on that subject here, and yet I have rendered my judgment as a member of the committee and as a Senator upon the ground that we have to undo a decision of the Supreme Court, we have virtually to repeal the laws of the United States, before we can ever get at this money in the Treasury for the purpose of returning it to Warren Mitchell.

Mr. HAMLIN. Mr. President, I move that the Senate proceed to the consideration of executive business. I do it now as I suppose there are other Senators who wish to speak on this bill.

Mr. JONES, of Florida. Will the Senator withdraw that motion for a few moments?

Mr. HAMLIN. How long?

Mr. JONES, of Florida. Ten minutes.

Mr. HAMLIN. Others desire to speak on the question. I hope the Senator will postpone his remarks until another day.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) It is moved by the Senator from Maine that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—ayes 18, noes 21.

Mr. JONES, of Florida. If this bill can be left as the unfinished business for to-morrow, very well; I have no particular desire to go on this evening.

Mr. EDMUNDS. If the Senator from Florida does not claim the floor to speak now, I should like to make a motion. I move to postpone the present and all prior orders and take up the resolutions that I offered the other day on the subject of the constitutional amendments and instructing the Committee on the Judiciary to report a certain bill.

Mr. JONES, of Florida. I cannot yield to that.

Mr. CONKLING. Does the Senator from Florida prefer to proceed to-day rather than to-morrow if this bill goes over as unfinished business?

Mr. JONES, of Florida. I would rather speak to-morrow if the bill goes over as the unfinished business; but if it is to lose its place on the Calendar, I prefer to go on now.

Mr. CONKLING. So I apprehend; and yet I think Senators around the Senator from Florida voted against the motion to proceed to executive business supposing that he preferred to speak to-night. If he does not prefer to speak to-night, then I venture to renew the motion that the Senate proceed to the consideration of executive business. That will leave this bill as the unfinished business for to-morrow, and

the Senator from Florida will be entitled to the floor. I make that motion.

The PRESIDING OFFICER. The Senator from New York moves that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I rise to inquire, if the Senate proceeds now to the consideration of executive business, does it leave this bill as the unfinished business?

Mr. CONKLING and others. Certainly it does.

Mr. HARRIS. That was my impression, but I desired to know it certainly.

Mr. EDMUNDS. If my motion should not prevail now to take up the resolutions I have had the honor to propose, I shall try to move them to-morrow.

Mr. HARRIS. I of course understand that if the motion of the Senator from Vermont shall be carried by the Senate it postpones the consideration of the bill; but the motion of the Senator from New York to proceed to the consideration of executive business, as I understand, leaves this bill as the unfinished business, and the business in order for to-morrow?

Mr. CONKLING. No doubt about it.

The PRESIDING OFFICER. It is moved by the Senator from New York that the Senate now proceed to the consideration of executive business.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 796) for the relief of Jenkins A. Fitzgerald, assistant surgeon United States Army;

A bill (H. R. No. 1173) for the relief of Joseph R. Pratt;

A bill (H. R. No. 1326) for the relief of Samuel B. Stauber and others;

A bill (H. R. No. 1502) for the relief of Ella P. Murphy;

A bill (H. R. No. 1545) for the relief of Ann Gregory, widow of Charles N. Gregory, deceased;

A bill (H. R. No. 1614) for the relief of S. T. Marshall, of Lee County, Iowa;

A bill (H. R. No. 3378) to change a term of the district court in the County of Pennington, in the Territory of Dakota;

A bill (H. R. No. 3434) releasing the title to a certain cemetery lot to the city of Montgomery, Alabama;

A bill (H. R. No. 4007) for the relief of private William Hines, Company F, Eighteenth United States Infantry, who lost his trousers and blanket by fire at Aiken, South Carolina;

A bill (H. R. No. 4116) authorizing the board of commissioners of the Soldiers Home to sell certain property at Harrodsburgh, Kentucky, belonging to the Soldiers Home;

A bill (H. R. No. 4123) for the relief of Germain H. Mason, of Michigan;

A bill (H. R. No. 4143) for the relief of John Adams, William B. Clift, David Dunseath, William Killinger, J. F. Scott, administrator of the estate of Obediah Scott, deceased, Davis C. Peak, Charles Linderman, James Linnane, Patrick Carey, John McMahon, and James Gorman, administrator of the estate of Patrick Gorman, deceased;

A bill (H. R. No. 4290) for the relief of William S. Hansell and sons;

A bill (H. R. No. 4418) for the relief of John D. McGill;

A bill (H. R. No. 4419) for the relief of Peter Meagher;

A bill (H. R. No. 4554) for the relief of James G. Harrison;

A bill (H. R. No. 5300) to provide for the holding of terms of the district and circuit courts of the United States at Fort Scott, Kansas;

A bill (H. R. No. 5822) for the relief of Henry T. Fuller and others, sureties upon the official bond of William H. Waterman;

A bill (H. R. No. 5984) to amend section 688 of the Revised Statutes of the United States;

A bill (H. R. No. 6159) granting a bounty land warrant to Elisha Franklin, a survivor of the war of 1812;

A bill (H. R. No. 6169) to establish a district and circuit court at Chattanooga, Tennessee;

A bill (H. R. No. 6170) for the better organization of the district court of the United States within the State of Louisiana; and

A joint resolution (H. R. No. 105) authorizing the Secretary of the Treasury to pay certain officers of the internal-revenue service the amounts due them for their services as such officers previous to the time of executing their bonds and taking the oath of office as prescribed by law.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. No. 43) to provide for taking testimony to be used before Congress in cases of private claims against the United States;

A bill (S. No. 878) to disapprove and annul an act of the Legislative Assembly of the Territory of New Mexico, passed on the 18th of January, 1878, by a two-third vote of both houses over the veto of the governor of said Territory;

A bill (S. No. 1038) for the relief of Jesse Turner and others, sureties upon the official bond of George W. Clarke, formerly Indian agent;

A bill (S. No. 1060) authorizing the Secretary of War to erect headstones over the graves of Union soldiers who have been interred in private, village, or city cemeteries;



A bill (S. No. 1277) to extend the jurisdiction of the district and circuit courts of the United States for the southern district of Florida; and

A joint resolution (S. R. No. 27) providing for transportation by the military authorities of John J. Manuel and two infant daughters from Camp Howard, Idaho Territory, to Saint Charles, Missouri.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. No. 623) to amend sections 900 and 993 of the Revised Statutes of the United States for the District of Columbia, so as to make the 22d day of February a holiday within said District; and

A bill (S. No. 1151) to amend section 5497 of the Revised Statutes.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 5315) to restore the records and files in the district and circuit courts of the United States for the western district of Texas, lately destroyed by fire.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House providing for the printing of 3,000 copies of the report of the Geographical and Geological Survey of the Rocky Mountain Region, being volume 2, Contributions to North American Ethnology, in quarto form.

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House providing for the printing of 3,000 copies each of volumes 3, 8, and 13 of the final reports of the Geological and Geographical Survey of the Territories, in quarto form, with the necessary illustrations.

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House providing for the printing of 3,000 copies of the report of the Geographical and Geological Survey of the Rocky Mountain Region relating to the geology of the High Plateau of Utah, in quarto form, with the illustrations and charts.

The message also announced that the House had passed a concurrent resolution providing for the printing and binding at the Government Printing Office, for the use of the Department of the Interior, of 2,000 copies of Professor Hayden's tenth annual report of the Geological and Geographical Survey of the Territories for 1876, uniform with the edition ordered by Congress.

The message further announced that the House had passed a concurrent resolution for the printing in the CONGRESSIONAL RECORD of the memorial exercises in honor of Professor Henry, held in the Hall of the House of Representatives on the 16th day of January, 1879; in which the concurrence of the Senate was requested.

The message also announced that the House had passed a concurrent resolution providing that whenever the proper officer having charge thereof shall have received a sufficient number of orders for Professor Hayden's Atlas of Colorado, accompanied by the cost price thereof, with 10 per cent. additional, to warrant, in his opinion, the expense of putting the plates to press, he shall cause an edition thereof to be published; in which the concurrence of the Senate was requested.

The message further communicated to the Senate, in compliance with its request, a copy of the testimony of James E. Anderson, given before the committee of the House of Representatives on investigation of alleged frauds in the electoral vote of the States of Louisiana and Florida, so far as it affects Hon. STANLEY MATTHEWS, a Senator from the State of Ohio.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. No. 1435) authorizing the appointment of Dr. Junius L. Powell an assistant surgeon in the United States Army;

A bill (H. R. No. 4200) relating to the National Road in the State of Maryland, and to give consent of the United States to a certain act of the General Assembly of Maryland in relation to said road;

A bill (H. R. No. 5052) to amend section 3835 of the Revised Statutes of the United States relating to deficiency in postmasters' accounts; and

A bill (H. R. No. 6141) making appropriations to enable the Secretary of the Treasury to carry out the provisions of section 254 of the Revised Statutes, and to appropriate \$40,000 for the miscellaneous expenses of the House of Representatives, and for other purposes.

#### PAPER CONTRACTS INVESTIGATION.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Committee on Printing be authorized to send for persons and papers and to employ a stenographer in any matter that may arise out of the award of the recent contracts for paper.

#### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter of the Chief of Ordnance inclosing a special estimate and recommendation for the purchase of land to enlarge and protect the San Antonio arsenal, Texas; which was referred to the Committee on Military Affairs.

He also laid before the Senate a letter of the Secretary of War, transmitting a copy of a preamble and resolutions adopted by the Chamber of Commerce of Pittsburgh, Pennsylvania, on the 13th in-

stant, recommending that appropriations for the completion of the Davis Island Dam be made; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, communicating, in obedience to law, a report of Major G. L. Gillespie, Corps of Engineers, of a survey of the bar at the mouth of Columbia River, Oregon; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, communicating, in obedience to law, the report of the board of officers appointed to examine the works in progress of construction by James B. Eads at the mouth of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter of the Secretary of War, transmitting copies of communications from W. J. Murtagh, offering to sell to the Government the property in the city of Washington at the southwestern corner of Pennsylvania avenue and Thirteenth street, known as the "Republican building"; which was referred to the Committee on Appropriations, and ordered to be printed.

#### EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After two hours and ten minutes spent in executive session the doors were reopened, and (at five o'clock and forty-five minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 27, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Saturday last was read and approved.

#### ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes past twelve o'clock. This being Monday, the first business during the morning hour is the call of States and Territories, beginning with the State of Maine, for bills and joint resolutions for introduction and reference to appropriate committees. During this call memorials and joint resolutions of State and territorial Legislatures are in order for reference.

Mr. TOWNSEND, of New York. I ask unanimous consent that this order be allowed to continue, without regard to the expiration of the hour, until all the States and Territories are called.

Mr. WRIGHT. I object.

#### MOUNT PLEASANT RAILROAD COMPANY.

Mr. HENDEE introduced a bill (H. R. No. 6175) to incorporate the Mount Pleasant Railroad Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### DARWIN JOHNSON.

Mr. JOYCE introduced a bill (H. R. No. 6176) granting a pension to Darwin Johnson, late a private in Company C, Eleventh Regiment Vermont Volunteer Infantry, war of 1861; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### EBENEZER G. BIGELOW.

Mr. JOYCE also introduced a bill (H. R. No. 6177) granting a pension to Ebenezer G. Bigelow, late a private in Second Vermont Battery, war of 1861; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### PENSIONS TO SOLDIERS OF WAR OF 1812.

Mr. JOYCE also introduced a bill (H. R. No. 6178) to amend the act of March 9, 1878, relating to pensions for service in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### CONDEMNED ORDNANCE FOR SOLDIERS' MONUMENT.

Mr. RICE, of Massachusetts, introduced a bill (H. R. No. 6179) donating four condemned cannon to the town of Sutton, State of Massachusetts, to be used in the erection of a soldier's monument; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### OPHELIA E. SIMMONS.

Mr. CRAPO introduced a bill (H. R. No. 6180) granting a pension to Ophelia E. Simmons, widow of David A. Simmons, late a master's mate in the Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### WORK ON PUBLIC BUILDINGS.

Mr. MULLER introduced a joint resolution (H. R. No. 219) asking the President to appoint a board to examine into and report on a better system of doing work on our public buildings; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.